SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN
Rabanco Recycling & Waste Reduction Center (3rd and Lander)
Seattle, Washington

Project No. 149552.03

August 7, 2013

Prepared for:

REPUBLIC SERVICES

2733 3rd Avenue South
Seattle, WA 98134

Prepared by

CB&I

12100 NE 195th Street, Suite 150
Bothell, WA 98011

Executive Summary

Rabanco Recycling & Waste Reduction Center (Facility) is subject to the federal Spill Prevention, Control and Countermeasure (SPCC) Plan requirements because it stores more than 1,320 gallons of new and used oil products in aboveground storage tanks (greater than or equal to 55 gallons) on its site. The SPCC Plan does not need to be submitted to the US Environmental Protection Agency unless requested; however, a copy of the up-to-date SPCC Plan must be available on site during normal business hours.

This SPCC Plan was prepared for Republic Services, as the operating contractor of the Facility, to satisfy the applicable federal requirements under 40 CFR Part 112. This written plan is to prevent the spill and discharge of oil products into navigable waters (e.g., streams, creeks, rivers, and lakes) of the United States. The SPCC Plan also addresses the spill response procedures and actions that must be implemented if a spill occurs at this Facility.

Facility must annually train appropriate staff as described in this plan. Training must include spill prevention; potential spill situations, including tanks, piping, material transfer, vehicle collisions, and spill/emergency response regulations; and activities applicable to the Facility. Training records should be kept with this plan.

The SPCC regulations require periodic equipment and Facility inspections and documentation of those inspections. Tanks, pumps, piping, and containment structures must be inspected regularly, and inspection records should be kept with this plan.

This document includes the emergency procedures that Facility should follow from the discovery of the release to its containment and cleanup. Post-cleanup activities, including internal and external reporting procedures, are also described for Facility to use as a guide.

This SPCC Plan requires a review and evaluation at least every five years. Technical amendments to the plan must be reviewed and certified by a professional engineer. Amendments to the plan will be implemented as soon as possible, but no later than six months after preparing the amendment.

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Appendix C Notice to Tank Truck Drivers
Appendix D Emergency Personnel and Duties
Appendix E Inspection Record and Incident Report Forms
Appendix F Spill, Fire, and Safety Equipment
Appendix G Substantial Harm Criteria

Management Certification and SPCC Plan Review

Name of Facility:	Rabanco Recycling & Waste Reduction Center
Name of Operator:	Republic Services of Washington, LLC
Type of Facility:	Solid Waste Recycling and Waste Reduction Facility
Year of Initial Facility Operation:	1988
Location of Facility:	2733 3rd Avenue South (see Figure 1) Seattle, Washington 98134
Name and Address of Owner:	Rabanco Recycling Company 200 South Hanford Street Seattle, Washington 98134

Management Certification

This SPCC Plan has been reviewed and approved by management with the authority to commit necessary resources for its implementation. The programs and procedures outlined in the Plan will be implemented and periodically reviewed and updated in accordance with 40 CFR Part 112, and with applicable state and local requirements.

Signature_____ Date _____

Name of Management Representative Matt Henry
(printed)

Title General Manager

SPCC Plan Review

This SPCC Plan requires review and evaluation at least every five years. Changes in equipment, design, construction, operation, or maintenance that materially affect the Facility's potential to discharge oil into waters of the United States require amending the SPCC Plan. Technical amendments to the Plan must be reviewed and certified by a professional engineer. Amendments to the Plan will be implemented as soon as possible, but no later than six months after preparing the amendment.

Review	Date	Update or Amendment Required?	Name (Print)	Signature
1	02/26/2008	Initial	Izrayl Slutsky	
2	08/7/2013	Yes	Tyson Wentz	
3				

Engineer Certification

In accordance with 40 CFR 112.3(d), I hereby certify that:

- ✓I am familiar with the provisions of 40 CFR Part 112 – Oil Pollution Prevention.
- ✓I, or my agent, have visited and examined the Facility described herein.
- ✓This SPCC Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the applicable requirements of 40 CFR Part 112.
- ✓Procedures for required inspections and testing have been established.
- ✓This SPCC Plan is adequate for the Facility.

Facility Name and Address: Rabanco Recycling & Waste Reduction Center, 2733 3rd Avenue South, Seattle, WA 98134

Signature, Registered Professional Engineer

Tyson V. Wentz, P.E.
Printed Name, Registered Professional Engineer

Date 8/7/2013 Registration No. 45285 State Washington

40 CFR 112 Cross-Reference Matrix

40 CFR Part 112 Section	Description of Section	Plan Section
112.1	General Applicability of 40CFR, Part 112	Throughout Plan
112.2	Definitions of Terms	Throughout Plan
112.3	Preparation Requirements, Engineer Certification	page iv
112.3(g)	Qualified Facilities	Applies in general to this Facility.
112.4	SPCC Plan amendment by Regional Administrator	N.A.
112.5	Plan Amendments required by changes or 5-year period	page iii
112.6	Qualified Facility Plan Requirements	Sections 1 and 2
112.7a(1)	Conformance with Requirements	Throughout Plan
112.7a(2)	Deviations from requirements – Equivalent environmental protection	Section 2.5
112.7a(3)	Facility Description and Site Layout	Section 2; Figure 2
112.7(a)(3)(i)	Type of Oil and Storage Capacity	Tables 2-1 through 2-4
112.7(a)(3)(ii)	Discharge Prevention Measures	Section 2.3; Section 5.0
112.7(a)(3)(iii)	Discharge Drainage Controls	Tables 2-1 through 2-4
112.7(a)(3)(iv)	Countermeasures for Discharge Discovery, Response, and Cleanup	Section 5.0
112.7(a)(3)(v)	Methods of Disposal of Recovered Materials	Section 6.3
112.7(a)(3)(vi)	Contact List and Phone Numbers	Table 6-1 and Appendix A
112.7(a)(4)	Discharge Reporting Information	Appendix E – Incident Report Form
112.7(a)(5)	Organization of Response Procedures	Sections 5.0 and 6.0
112.7(b)	Potential Spill Prediction Information	Table 2-3
112.7(c)	Containment and Diversion Structures or Equipment	Tables 2-1 through 2-3
112.7(d)	Oil Spill Contingency Plan	N.A.; see 112.7(c)
112.7(e)	Inspections, Integrity Testing and Recordkeeping Practices	Section 7.0
112.7(f)	Personnel Training, and Discharge Prevention Procedures	Sections 4, 5
112.7(g)(1)	Security – Site Access	Section 2.4
112.7(g)(2)	Security – Secured master flow and drain valves	Section 2.4
112.7(g)(3)	Security – Locking and location of pump starter controls	Section 2.4
112.7(g)(4)	Security – Capped and blank-flanged pipelines	Section 2.4
112.7(g)(5)	Security – Adequate Facility lighting	Section 2.4
112.7(h)	Facility Tank Car and Truck Loading/Unloading Rack	N.A.
112.7(i)	Field-constructed Aboveground Container Repair	N.A.
112.7(j)	Applicable State Rules and Regulations	Sections 1.0, 3.2, and Appendix B
112.7(k)	Qualified Oil-Filled Operational Equipment	N.A. see 112.7(c)
112.8(a)	General Requirements	Throughout Plan
112.8(b)	Facility drainage requirements for diked and undiked areas	Section 3.0
112.8 (c)(1)	Bulk Storage Container Material of Construction	Tables 2-1 through 2-3
112.8 (c)(2)	Bulk Storage Container Secondary Containment	Tables 2-1 through 2-4
112.8 (c)(3)	Bulk Storage Container Area Drainage – Check discharge before release	Section 3.2

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40 CFR Part 112 Section	Description of Section	Plan Section
112.8 (c)(4)	Completely Buried Metallic Tank Cathodic Protection	N.A.
112.8 (c)(5)	Partially Buried Metallic Tank Cathodic Protection	N.A.
112.8 (c)(6)	Integrity Test Aboveground Containers	Section 7.2
112.8 (c)(7)	Leak Control of Heating Coils	N.A.
112.8 (c)(8)	Discharge Prevention Devices – overfill protection	Sections 2.3, 2.5
112.8 (c)(9)	Inspection of Effluent Treatment Systems	Section 3.1.1
112.8 (c)(10)	Visible Discharges/Accumulation of Oil – Clean up	Section 5.0
112.8 (c)(11)	Mobile or Portable Storage Containers	Table 2-3
112.8(d)(1)	Piping and Valve Requirements -- Buried Piping	N.A.
112.8(d)(2)	Piping and Valve Requirements -- Terminal Connection	Section 2.6
112.8(d)(3)	Piping and Valve Requirements -- Pipe Supports	Section 2.6
112.8(d)(4)	Piping and Valve Requirements -- Inspection of Aboveground Piping	Section 7.0
112.8(d)(5)	Piping and Valve Requirements – Security from vehicle damage	Sections 2.6, 3.2.1, and 3.2.2
112.9	Oil production Facility requirements	N.A.
112.10	Onshore oil drilling or workover facilities requirements	N.A.
112.11	Offshore oil drilling, production, or workover facilities requirements	N.A.
112.12	Animal fats and oils and greases, fish and marine mammal oils, and vegetable oils – General Requirements	N.A.
112.13	Reserved	N.A.
112.14	Reserved	N.A.
112.15	Reserved	N.A.
112.20	Substantial harm criteria and the need for a Facility response plan	Does not meet criteria. Appendix G
112.21	Facility response training and drills/exercises	N.A. – See 112.20

1.0 Introduction

Rabanco Recycling & Waste Reduction Center (Facility) is subject to federal Spill Prevention, Control and Countermeasure (SPCC) Plan requirements because it stores more than 1,320 gallons of new and used oil products in aboveground storage tanks (AST) (greater than or equal to 55 gallons) on its site.

Oil is defined in 40 CFR, Part 112.2, as "…oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil." This SPCC Plan lists the procedures and equipment required to prevent discharge of oil and hazardous substances in quantities that:

- Violate applicable water quality standards.
- Cause a sheen upon or discoloration of the surface of navigable waters or adjoining shorelines.
- Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The Plan also addresses the spill response procedures and actions that must be implemented if a spill does occur at this Facility.

This Plan has been prepared for Republic Services, as the operating contractor of the Facility, pursuant to 40 CFR Part 112 (see Appendix B). The Plan does not need to be submitted to the US Environmental Protection Agency (EPA) or the Washington Department of Ecology (Ecology) unless requested; a complete copy of the Plan shall be maintained at Facility and be made available to the EPA Regional Administrator or Ecology, upon request, for on-site review during normal working hours. Since the oil is only transported to or from the Facility by tank truck or by tank rail car, then the facility does not meet the Ecology definition of a regulated facility and is not required to comply with Washington Administrative Code (WAC) 173-180 and 173-182. Washington State does not require the registration or licensing of ASTs.

Appropriate employees at the Facility shall become familiar with the contents of the Plan. The SPCC Coordinator shall be responsible for implementation of emergency spill response activities. In addition, a second full-time employee shall be trained to assume the SPCC Coordinator's responsibilities in the Coordinator's absence. This plan shall be amended whenever there is a change in Facility design, construction, operation, or maintenance that affects the Facility's potential for the discharge of oil to navigable waters. Non-technical changes to the plan, such as updating employee information, do not require its recertification.

2.0 Facility Information

2.1 Site History

Facility is a regional solid waste and recycling center that has been open since 1988. The facility began operations as US Steel in the 1930s. It is open year-round (except New Year's Day, Thanksgiving, and Christmas), seven days a week, and 24-hours a day.

The Facility performs solid waste recycling and waste reduction, store fuel to support equipment and transportation requirements, and park trucks in the yard when the trucks are not in use. The Facility is responsibility for meeting sewer discharge permit requirements and to maintain the facility and its equipment.

Republic Services has worked to improve safety and efficiency of handling the region's solid waste through several additions to the Facility. The Facility has several buildings to receive recyclable goods. More than 90 percent of all the structures on site have painted metal roofs, and most have painted metal siding or a mix of metal and concrete siding. All vehicle traffic and processing activities are on concrete or asphalt surfaces.

The site receives and process recyclable material from commercial and residential sources. The site has a single processing building where recyclable material is sorted and processed indoors, undercover. The main building has three intake areas, overflow tipping building, buy back building, and building 3.

There is one scale houses on the site where staff weigh materials delivered to the Facility, collect user fees, and record transaction information. Truck scales are located near the main entrance to facility.

All surface water flows into catch basins (see Figure 2) then through oil water separators (OWS) and into the King County sanitary sewer system in South Hanford Street. All OWS are vactor-cleaned every 2-3 weeks. Stormwater from the roof of the existing waste collection and recycling building and a new metal canopy drain to the roof downspout system into underground piping directly connected to storm drain system in 3rd Avenue South.

Reportedly, there have been no significant releases of petroleum products within the last three years at the site.

2.2 Oil Products Storage and Spill Containment Systems

The following is a list of oil products stored (tanks and drums) and used at Facility that are regulated under provisions of 40 CFR Part 112.

- Diesel fuel used to fuel Facility vehicles and heavy equipment

  The main fill pipe to the tank is protected from spills by locking gate valve on inlet, back flow check valve, and perforated top of submerged fill tube that extends to within 6 inches of the bottom of the tank.

  Overfill is guarded against by having a solenoid valve on the fill pipe that is controlled by a float switch, set to actuate (i.e., close the solenoid valve) at 90 percent of the tank's capacity. Direct reading gauge board, visible to person filing tank.

  A 300-gallon overfill chamber is provided at the east end of the primary tank. This overfill chamber will have a float switch that will activate an alarm to notify the delivery person of any overfill. Venting capacity for tank, dike and overfill chamber is suitable for the fill and withdrawal rates of the pumping systems.

  The dike is manufactured integral with the main tank. The dike has a sloped, closed top and will not accumulate precipitation. The dike can contain the tank's capacity. The interior of the dike is accessible to inspection through an 18-inch man way on the end of the dike.
- Lubricating fluids (motor oil, gear oil, etc.) used in Facility vehicles and heavy equipment and machinery
- Hydraulic fluids (hydraulic oil, transmission fluid, brake fluid, etc.) used in Facility vehicles, heavy equipment and machinery
- Used motor oils, hydraulic oils, and antifreeze stored on site prior to collection for disposal or recycling, both customer (Clean-scapes and Waste Management) drop-off and internally generated from maintenance activities
- A parts washer and degreaser
- Antifreeze used for servicing Facility vehicles

Tanks and containment systems are summarized as follows:

- Tank and secondary containment inventory Tables 2-1 through 2-2
- Potential tank failure modes, flow rates, direction of flows Table 2-3
- Facility site plan Figure 2

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2.3 Fueling Operations

Fueling operations occur at this Facility. The following vehicle fueling items are Facility Best Management Practices (BMP) to contain leaks and spills:

- **Facility and Supplies**
  - The steel, double-walled diesel storage tank is located on an asphalt-paved surface. The secondary containment is sealed from rain water, and has a containment capacity of at least 110 percent of the total storage capacity of the tank.
  - A spill kit is located at the fueling station area adjacent to the tank and contains absorbent material, a salvage drum, plastic sheeting, and spill containment socks.
  - Only Facility vehicles refuel at the Facility.
  - A shovel is available for distributing absorbent and containment materials as well as for cleanup.
  - A yard brush is available for cleanup and containment management.
  - Dispensing hoses for the diesel fuel tank are fitted with a breakaway coupling.
  - Fueling trucks are equipped with breakaway coupling on the dispensing hoses.

The Facility spill kits are located in a highly visible location (see Figure 2), are marked, and are ready to be relocated wherever a spill occurs within the Facility area. Contents of this spill kit are listed in Section 5.3.

- **Operating Procedures**
  - Fueling must be conducted on a paved surface.
  - The vehicle's ignition must be turned off during fueling.
  - The fueler must remain with the vehicle while fueling.
  - The fueler must not overfill the tank.
  - The fueler must not keep the nozzle open using a device or method other than his hand.
  - If a spill of less than 25 gallons occurs, no matter how small, the fueler must immediately place absorbent on the spilled fuel, pick up the absorbed material with a sweeping brush and shovel, and place the material in the 'Used Absorbent' receptacle.
  - The fuel pad must be dry cleaned (sweep and shovel; absolutely no water).
  - The 'Clean Absorbent' and 'Used Absorbent' storage containers must be covered or otherwise protected from rain at all times.
  - Used absorbent must be disposed of properly.
  - The 'Clean Absorbent' container must be refilled when it has been depleted to less than half of its capacity.

- The shovel and drip pan/bucket must always be replaced at the fueling area following use.
- The drip pan/bucket must be stored upside-down when not in use.
- If a spill large enough to effect operations occurs, refer to Sections 5.0 and 6.0. An operational effect includes any need to immediately stop or redirect operations to manage the spill.

2.4 Security Systems

Site access is restricted by partial fencing and building access but is open due to railroad tracks along the south side. The Facility accepts business and operates 24-hours per day.

All tanks, with master flow and drain valves, are located inside buildings that are locked or are located in the fenced yard, and their valves are locked to prevent any unauthorized access.

The starter control for all oil pumps is located at a site accessible only to authorized personnel and are locked when the site is unoccupied.

SPCC regulations require the Facility to have and maintain adequate lighting—commensurate with the type and location of the Facility—that will assist in discovering discharges occurring during hours of darkness and will discourage acts of vandalism that may cause discharges. Facility has lighting that meets the regulations. There is a pole-mounted light located near the entrances and diesel fueling station that illuminates the entrances of the Facility and fueling station area. Each building on the Facility is equipped with outdoor lighting that illuminates entrances to that building and the immediate area around the building and used oil tank area. The combination of lighting provides sufficient illumination of the Facility to meet the intent of the regulation.

2.5 Equivalent Environmental Protection

In accordance with 40 CFR Part 112.7(a)(2), a Facility may deviate from certain aspects of the SPCC Plan requirements provided that equivalent environmental protection is achieved through other means of spill prevention, control, or countermeasure. For this Facility, the equivalent environmental protection includes:

- Portable tanks and drums (non-anchored ASTs) are considered exempt from integrity testing requirements of 40 CFR 112.8(c)(6). These tanks can be lifted to visually inspect the exterior of the tank, and removed from site and disposed of if deterioration is evident. Weekly observations of the tanks are made during normal work days by Facility personnel using the tanks, allowing for signs of tank deterioration to be observed prior to the monthly or annual inspections. In addition, all of the portable tanks at the site are located on the asphalt pavement or inside the building on a concrete floor or pad, which functions as a release prevention barrier.

- Equivalent environmental protection in place of overfill protection requirements of 40 CFR 112.8(c)(8) for all tanks at the Facility not equipped with level gauges based on good engineering practices considering the various tanks' size, installation, and alternative measures implemented by the Facility. The liquid level in the tank is visually observed through the fill port to determine available capacity. This approach provides equivalent environmental protection to the overfill protection requirements of 40 CFR 112.8(c)(8).

2.6 Facility Piping and Valves

Based on the volume of product used and the level of risk, the pipes and pipe supports are designed to minimize abrasion and corrosion, and allow for expansion and contraction.

2.7 Underground Storage Tanks

There are not underground storage tanks (UST) on the site.

Table 2-1
Tank Inventory - AST

AST	AST Capacity (gal)	AST Contents	AST Construction Type/ Material	Secondary Containment Type (Steel, Dirt, Lined Dirt, None)	Secondary Containment Capacity (gal)	Type of high level indicator (depth, volume, sight glass, none)? Operational?	Is AST protected from moving vehicles?	Is AST electrically grounded? (Y/N)	Comments
1	20,000	Diesel Fuel	Shop/steel	Internal Steel Compartment	Dual-walled tank	Direct reading gauge board and solenoid valve stop @ 90% full	Yes	Y	
2	400	Diesel Fuel	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, against wall	N	Fuel for 650
3	500	Used Motor Oil	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside the building	N	East Wall in Mechanics Tent
4	55	Auto. Trans.	Drum/steel	Plastic containment barrel on concrete floor	85-gallon over pack drum	Visual	Yes, inside the building	N	North Wall in Mechanics Tent
5	55	Gear Lube	Drum/steel	Plastic containment barrel on concrete floor	85-gallon over pack drum	Visual	Yes, inside the building	N	North Wall in Mechanics Tent
6	55	Gear Lube	Drum/steel	Plastic containment barrel on concrete floor	85-gallon over pack drum	Visual	Yes, inside the building	N	North Wall in Mechanics Tent
7	55	Engine Oil, 10W-30	Drum/steel	Plastic containment barrel on concrete floor	85-gallon over pack drum	Visual	Yes, inside building	N	North Wall in Mechanics Tent
8	350	Drive Train Oil, HD 10	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside building	N	North Wall in Mechanics Tent
9	350	Hydraulic Oil, 1000 THF	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside building	N	North Wall in Mechanics Tent
10	350	Trans. Oil, HD SAE 30	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside building	N	North Wall in Mechanics Tent
11	350	Hyd. Oil, HD ISO 40	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside building	N	North Wall in Mechanics Tent
12	350	Motor Oil, 15W-40	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	Yes, inside building	N	North Wall in Mechanics Tent
13-15	55 (3)	Various Drums	Drum/steel	Spill Pallet	65-gallon pallet	Visual	Yes, inside 20' container	N	Three identical tanks located inside a cargo container
16	750	Hyd. Oil, HD ISO 46	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	No	N	AST is moved with fork lift to service BLDG 1 Hyd. tanks
17	750	Hyd. Oil, HD ISO 46	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	No	N	AST is moved with fork lift to service BLDG 1 Hyd. tanks

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Table 2-1 (continued)
Tank Inventory - AST

AST	AST Capacity (gal)	AST Contents	AST Construction Type/Material	Secondary Containment Type (Steel, Dirt, Lined Dirt, None)	Secondary Containment Capacity (gal)	Type of high level indicator (depth, volume, sight glass, none)? Operational?	Is AST protected from moving vehicles?	Is AST electrically grounded? (Y/N)	Comments
18-20	240 (3)	Used Motor Oil, DIY	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	No	N	Three identical tanks located east of BLDG 2 in a converted cargo container, Do It Yourself (DIY) used motor oil collection point
21	55	Used Cooking Oil	Drum	Plastic containment barrel on asphalt surface	85-gallon over pack drum	Visual	No	N	Over pack drum has a cover from rain and is located south of the DIY cargo container
22	55 (4)	Gear Lube	Drum/steel	Plastic containment barrel on concrete floor	85-gallon over pack drum	Visual	Yes	N	four identical drums located inside a east side room in BLDG 2
23	1,200	Hydraulic Oil for AMFAB compactor	Shop/steel	Internal Steel Compartment	Dual-walled tank	Sight gauge tube	Yes, inside the building	Y	Located northwest corner of BLDG 1, AMFAB compactor
24	1,100	Hydraulic Oil for sort line processor	Shop/steel	Internal Steel Compartment	Dual-walled tank	Sight gauge tube	Yes, inside the building	Y	Centrally located in BLDG 1, sort line processor
25	550	Hydraulic Oil for buy back processor	Shop/steel	Internal Steel Compartment	Dual-walled tank	Sight gauge tube	Yes, inside the building	Y	Located south side of BLDG 1, buy back area processor
26-28	550 (3)	Hyd. Oil, HD ISO 46	Shop/steel	Internal Steel Compartment	Dual-walled tank	Level gauge	No	N	Located east of BLDG 3, ASTs are moved with fork lift to service BLDG 1 Hyd. tanks

Note: No ASTs listed are anchored. There is adequate lighting near the tank or dispenser for all ASTs.

Table 2-2
Tank Inventory – Underground Storage Tanks

Underground Storage Tanks (list all USTs)											
UST Capacity (gal)	Is UST in use? (Y/N)	UST contents	State ID No.	Date UST installed	Date of last leak test	Did the UST leak? (Y/N)	Tank construction material	Type of corrosion protection	Spill/overfill prevention	Is there adequate lighting near the tank or dispenser? (Y/N)	Comments
There are no USTs on site.											

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Table 2-3
Reasonable Potential for Tank Failure Modes

Tank #	Total Volume (gal)	Loading/Unloading Equipment Failure[a]	Tank Overflow[b]	Tank Rupture/Vehicle Impact[c]	Leakage[d]	Anticipated Flow Direction	Containment
1	20,000	Not likely. Tank is not moved.	Most likely. Spill anticipated to be less than 5-10 gallons based on immediate filler response time.	Not likely; concrete barrier in place to block vehicle access. Rupture of both layers of tank required. Up to 20,000 gallons released.	Likely; monthly inspections of tank and secondary containment. High visibility of tank; anticipated less than 25 gallons to be released.	North towards main entrance catch basin.	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
2	400	Not likely. Tank is not moved.	Not likely. Tanks are not regularly filled. Anticipated less than 5-10 gallons based on immediate filler response time.	Most likely. Tank is outside adjacent to cargo containers. Up to 400 gallons	Likely. Monthly inspections of tank and daily access to area will likely identify. Anticipated less than 25 gallons to be released.	Northeast towards main entrance catch basin.	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
3	500	Not likely. Tank is not moved.	Most Likely; tank is filled regularly and emptied by third party vendor. Anticipated less than 5 gallons based on immediate response time.	Very unlikely. Driving does not generally occur in this area. Entire tank contents likely to release if impacted by vehicle; 500 gallons.	Likely. Monthly inspections of tank and daily access to area will likely identify. Anticipated less than 25 gallons to be released.	West	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
4-7	55	Most likely. Loading/unloading of drums for staging and disposal. Damage to drum may result in entire volume release; up to 55 gallons.	Not likely. Tanks are not regularly filled. Anticipated less than 5 gallons based on immediate filler response time	Very unlikely; driving does not generally occur in this area. Entire tank contents likely to release if impacted by vehicle; 55 gallons.	Likely; tank is single walled. Monthly inspections and daily activity in the area will likely observe a leak. Anticipated less than 5 gallons to be released into spill over pack drum.	West	Spill containment over pack drums hold 85 gallons
8-12	350	Not likely, tanks are not moved.	Likely; tanks are regularly refilled by third party. Anticipated less than 5-10 gallons based on immediate response time.	Very unlikely; driving does not generally occur in this area. Entire tank contents likely to release if impacted by vehicle; 350 gallons.	Likely; monthly inspections of tank and secondary containment. High visibility of tank; anticipated less than 25 gallons to be released.	West	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
13-15	55	Likely. Loading/unloading of drums for staging and disposal. Damage to drum may result in entire volume release; up to 55 gallons.	Not likely. Tanks are not regularly filled. Anticipated less than 5 gallons based on immediate filler response time	Very unlikely, drums inside cargo container protected from vehicles. Anticipated entire volume would release into containment pallet if impacted. Up to 55 gallons.	Likely; tank is single walled. Monthly inspections and daily activity in the area will likely observe a leak. Anticipated less than 5 gallons to be released onto spill pallet.	West	Spill containment pallets hold 65 gallons

RAB001323

Table 2-3 (continued)
Reasonable Potential for Tank Failure Modes

Tank #	Total Volume (gal)	Loading/Unloading Equipment Failure[a]	Tank Overflow[b]	Tank Rupture/Vehicle Impact[c]	Leakage[d]	Anticipated Flow Direction	Containment
16-17	750	Likely. Loading/unloading of tank for staging and disposal. Damage to drum may result in entire volume release; up to 750 gallons.	Likely; tanks are regularly refilled by third party. Anticipated less than 5-10 gallons based on immediate response time.	Very unlikely. Tanks are outside and moved frequently with forklift. Up to 750 gallons.	Not likely; monthly inspections and daily use will quickly detect any leakage. Anticipated less than 25 gallons to be released.	East	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
18-20	240	Not likely, tanks are not moved.	Most likely. Small containers are poured into large container. Small containers do not exceed 5 gallons, therefore spill likely less than 5 gallons.	Not likely; tanks are inside cargo container protected from vehicles. Anticipated entire volume would release into steel containment if impacted. Up to 240 gallons.	Likely; monthly inspections and daily use will quickly detect any leakage. Anticipated less than 25 gallons to be released.	South	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.
21	55	Likely. Drum contents are sucked out when full by sub-contractor, broken hose may release oil; up to 10 gallons.	Not likely. Tank is not regularly filled. Anticipated less than 5 gallons based on immediate filler response time.	Most likely; driving does not generally occur in this area but is possible. Entire tank contents likely to release if impacted by vehicle; 55 gallons.	Likely; tank is single walled. Monthly inspections and weekly activity in the area will likely observe a leak. Anticipated less than 5 gallons to be released into spill over pack drum.	West	Spill containment over pack drums hold 85 gallons
22	55	Most likely. Loading/unloading of drums for staging and disposal. Damage to drum may result in entire volume release; up to 55 gallons.	Not likely. Tanks are not regularly filled. Anticipated less than 5 gallons based on immediate filler response time	Very unlikely; driving does not generally occur in this area. Entire tank contents likely to release if impacted by vehicle; 55 gallons.	Likely; tank is single walled. Monthly inspections and daily activity in the area will likely observe a leak. Anticipated less than 5 gallons to be released into spill over pack drum.	West	Spill containment over pack drums hold 85 gallons
23	1,200	Very likely. AMFAB compactor hydraulic system is most likely location of failure causing tank to be drained. Entire volume release; up to 1,200 gallons.	Not likely, Tank contains sight gauge tube. Anticipated less than 5-10 gallons based on immediate response time.	Not likely; tank is located on second floor.	Likely; tank has several connections and hoses that could leak. Tank and pumps located in steel containment berm. Anticipated less than 25 gallons to be released.	West	Building holding tank

Table 2-3 (continued)
Reasonable Potential for Tank Failure Modes

Tank #	Total Volume (gal)	Loading/Unloading Equipment Failure[a]	Tank Overflow[b]	Tank Rupture/Vehicle Impact[c]	Leakage[d]	Anticipated Flow Direction	Containment
24	1,100	Very likely. Sort line processor hydraulic system is most likely location of failure causing tank to be drained. Entire volume release; up to 1,100 gallons.	Not likely, Tank contains sight gauge tube. Anticipated less than 5-10 gallons based on immediate response time.	Not likely; tank is located on inside building.	Likely; tank has several connections and hoses that could leak. Tank and pumps located in steel containment berm. Anticipated less than 25 gallons to be released.	West	Building holding tank
25	550	Very likely. Buyback processor hydraulic system is most likely location of failure causing tank to be drained. Entire volume release; up to 550 gallons.	Not likely, Tank contains sight gauge tube. Anticipated less than 5-10 gallons based on immediate response time.	Not likely; tank is located inside building.	Likely; tank has several connections and hoses that could leak. Tank and pumps located in steel containment berm. Anticipated less than 25 gallons to be released.	West	Building holding tank
26-28	550	Likely. Loading/unloading of tank for staging and disposal. Damage to drum may result in entire volume release; up to 550 gallons.	Likely; tanks are regularly refilled by third party. Anticipated less than 5-10 gallons based on immediate response time.	Very likely. Tanks are outside and moved frequently with forklift. Up to 550 gallons.	Not likely; monthly inspections and daily use will quickly detect any leakage. Anticipated less than 25 gallons to be released.	West	Dual walled tank. Vehicle impact or damage to secondary external tank wall results in release.

Notes:

gpm = gallons per minute.

a This mode assumes the spill occurs during loading and unloading activities when the equipment used to place the tanks fails and causes the tanks to drop and become damaged.

b This mode assumes that the tank overflows during filling operations through the fill port.

c This mode assumes that a vehicle or other drivable equipment ruptures the tank.

d This mode assumes that, due to degradation, the tank develops a leak in the seam along the base of the tank.

Exhibit No. 25

WASHINGTON

APPROX. SCALE

0 2498 4990 FT

SOURCE: GOOGLE

REPUBLIC SERVICES

FIGURE 1

SITE LOCATION MAP

RABANCO RECYCLING & WASTE REDUCTION CENTER
2733 3rd AVENUE SOUTH
SEATTLE, WASHINGTON

CBI
12100 NE 195th Street, Suite 150
Bothell, Washington 98011
Phone (425) 485-5000
Fax. (425) 486-9766

BOTHELL	MPortacio	6/2013	TW	6/13	TW	6/13	NUMBER
							149552-FIG1

XREF Files: IMAGE Files: AN01000724500.gif
File: C:\Projects\Draft\Allied\149552 - 3rd Lander & Black River Ops Plans\Lander\SPCC\drawings\149552-FIG1.dwg Layout: FIG 1 SMAP User: tyson.wentz Jun 24, 2013 - 11:36am

Exhibit No. 25

OFFICE	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
BOTHELL	MPortacio 8/2013	TW 8/13	TW 8/13	149552-FIG2

XREF Files: IMAGE Files: AN01000724500.gif
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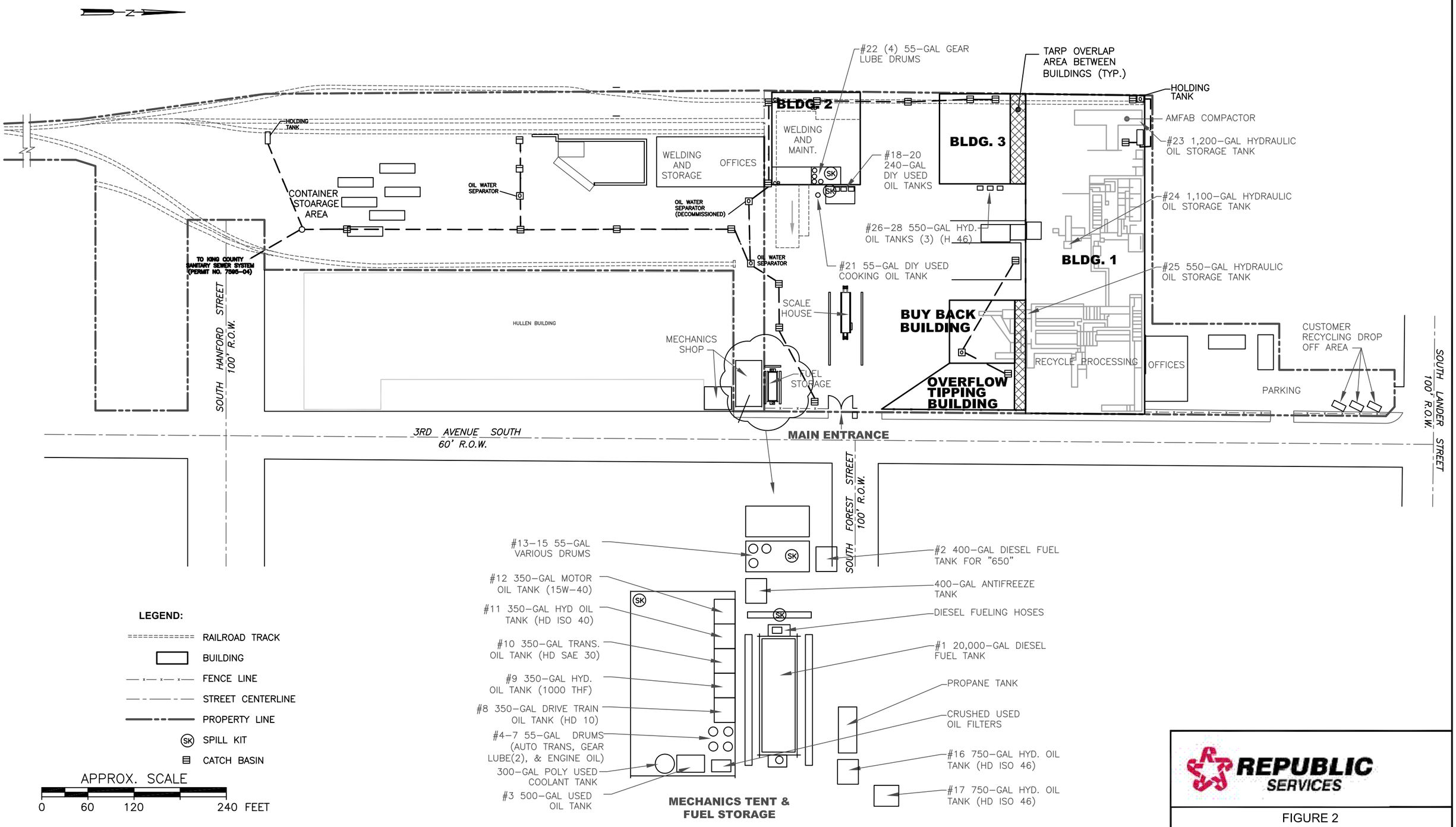


LEGEND:

- RAILROAD TRACK
- BUILDING
- FENCE LINE
- STREET CENTERLINE
- PROPERTY LINE
- SPILL KIT
- CATCH BASIN

APPROX. SCALE

0 60 120 240 FEET

CBI
12100 NE 195th Street, Suite 150
Bothell, Washington 98011
Phone (425) 485-5000
Fax. (425) 486-9766

REPUBLIC SERVICES

FIGURE 2

RAB001327

SITE PLAN

RABANCO RECYCLING & WASTE REDUCTION CENTER
2733 3rd AVENUE SOUTH
SEATTLE, WASHINGTON 98134

3.0 Facility Drainage and Stormwater Management

3.1 Facility Drainage

Facility drainage is shown on Figure 2 and is described in this section.

3.1.1 Receiving Bodies of Water

The entire facility is paved outside the buildings. All surface water flows into catch basins or trench drains, through OWSs, and into the King County sanitary sewer system in South Hanford Street. All OWS are vactor-cleaned every 2-3 weeks and inspected monthly. Stormwater from the roof of the existing waste collection and recycling building and a new metal canopy drains to the roof downspout system into underground piping directly connected to the storm system in 3rd Avenue.

3.1.2 Stormwater Monitoring

Stormwater discharge to South Hanford Street is tested monthly with results being sent to King County.

Table 3-1 shows the discharge points and monitoring schedule.

3.2 Stormwater Management

The truck-fueling station at the west end of the 20,000-gallon diesel tank has a catchment pan under the hoses, pump, piping, fittings, etc., and is covered. Incidental blown-in rainwater is checked and drained monthly. All oil and anti-freeze liquid containers are in containment structures to prevent a release into the stormwater drainage system. Stormwater runoff from the (solid waste collection truck) fueling station at the 20,000-gallon diesel tank is collected into catch basins near the tank. The catch basins drain to an OWS, which discharges the water to a combined sewer system.

4.0 Personnel Training

4.1 Spill Prevention Training

4.1.1 Permanent Personnel

Appropriate Facility personnel will be trained annually in how to:

- Perform their duties in a way to prevent the discharge of harmful quantities of oil or hazardous substances.
- Perform their duties for compliance with the spill and emergency response regulations applicable to the Facility.
- Respond to potential spill situations including tanks, aboveground and underground piping, and transfer of oil products.
- Avoid vehicle collisions with tanks and aboveground piping.

Appropriate new personnel will be trained after entering the Facility.

4.1.2 Transient Personnel

When necessary, transient personnel will be advised of applicable spill prevention measures upon entering the Facility. Transient personnel and drivers of vehicles not regularly employed at the Facility will be advised, when necessary, of the presence of aboveground and below-ground pipes, tanks, and other potential spill sources.

4.1.3 Tank Truck Drivers

Tank truck drivers loading or unloading oil products at the Facility shall adhere to the following guidelines:

- Remain with the vehicle while loading/unloading.
- Drain the loading/unloading lines to the storage tank and close the drain valves before disconnecting lines and make sure a drain pan or other appropriate containment device is located under all connections.
- Inspect the vehicle before departure to be sure loading/unloading lines have been disconnected and drain and vent valves are closed.
- Immediately report any leaks or spills, including quantity, to the SPCC Coordinator.

The instructions listed above are to be documented using the notice to tank truck drivers found in Appendix C.

4.2 Spill Response Training

Appropriate Facility personnel will be trained annually in spill and emergency response procedures. This training includes reporting, stopping, containing, cleaning up, and disposing of spill materials, emergency communications, etc.

4.3 Record Keeping

Accurate records will be maintained of personnel emergency response training. Personnel training will be recorded on forms and will be kept in safety training files. Copies of training forms should be kept with this SPCC Plan.

4.4 Appointed Trainers

Initial training will be conducted by, or under the supervision of, the SPCC Coordinator or his designated representative chosen by the General Manager. Supervisors may then conduct training for appropriate Facility workers.

5.0 Emergency Procedures/Spill Response

If there is an immediate threat to human life (e.g., a fire in progress or fumes overcoming workers), make an announcement to evacuate the building and call 911.

5.1 General

If a spill has occurred, follow the Facility Emergency Response Procedures. Appendix A of this Plan and the Spill Response Flowchart outline specific steps to be followed. Site personnel should be familiar with this flowchart and use it in the event of a spill.

5.2 Discovery of a Release

The person discovering a release of material from a container, tank, or operating equipment should immediately report the incident to the Operations Manager and the SPCC Coordinator. If there is an immediate threat to human life (e.g., a fire in progress or fumes overcoming workers), make an announcement to evacuate the building, and call the fire department.

- **Extinguish any nearby sources of ignition.** Assure that no danger to human health exists. Unless the spilled material is identified as nonflammable and noncombustible, all potential sources of ignition in the area should be turned off, extinguished, or removed. Vehicle engines should be turned off. If the ignition source is stationary, attempt to move spilled material away from ignition source. Avoid sparks and movement creating static electricity.
- **Attempt to stop the release at its source.** Assure that no danger to human health exists. Simple procedures (e.g., turning valves, plugging leaks) may be attempted by the discoverer if there is a reasonable certainty of the leak's origin. All other efforts to control leaks should be supervised by the Primary SPCC Coordinator or Assistant SPCC Coordinator.
- **Initiate spill notification and reporting procedures.** Request the assistance of the fire department's hazardous materials response team if an uncontrollable spill has occurred and/or if the spill has migrated beyond the Facility boundary (see Section 6.0). The SPCC Coordinator will perform necessary corporate and external regulatory notifications.

5.3 Containment of a Release

If material is released outside the containment areas, the material must be accurately identified and appropriate control measures taken in the safest possible manner. Consult the MSDS notebooks. To contain a release, follow these procedures:

- **Attempt to stop the release at the source.** If the source of the release has not been found; if special protective equipment is necessary to approach the release area; or if assistance is required to stop the release, call the fire department to halt the discharge

at its source. Site personnel should remain available to guide the fire department's efforts.

- **Contain the material released into the environment.** Following proper safety procedures, contain the spill by placing absorbent materials and dikes using shovels and brooms. A mobile spill kit that includes adsorbent material, containment socks, rags, plastic, and a salvage drum is located in the Facility. Consult applicable MSDSs for material compatibility, safety, and environmental precautions. The mobile spill kit should include the following, which should be replenished following each use:
  - Spill control instructions
  - Four pairs of nitrile gloves
  - Two pairs of safety goggles
  - Two 22-pound absorbent sponge dry
  - 3B bonding putty repair kit
  - Two 3 x 48 Glygone™ socks/snakes
  - Six drum liners (24 x 36 mil)
  - Four Tyvek™ suits
  - Caution tape
  - Brooms
  - Shovels

- **Continue the notification procedure.** Inform the SPCC Coordinator of the release (the Coordinator shall perform subsequent notification as appropriate). Obtain outside contractors to clean up the spill, if necessary.

5.4 Communications

In case of a fire, spill, or other emergency, use Facility telephones, paging systems and/or two-way radios to contact appropriate personnel.

5.5 Spill, Fire, and Safety Equipment

Portable fire extinguishers are located throughout the Facility, are well marked, and are easily accessible. Records are kept on fire equipment in service, and regular testing is performed in accordance with established good practices. A recommended list of fire extinguishers, and spill and safety equipment is included in Appendix F.

5.6 Spill Cleanup

Appropriate personal protective equipment and cleanup procedures can be found in the MSDS for the materials on site. Care must be taken when cleaning up spills to minimize waste generation. The Operations Manager can provide assistance for the issues discussed below. The Operations Manager must be made aware of all cleanups of spills.

- **Recover or clean up the spilled material -** As much material as possible should be recovered and reused where appropriate. Material that cannot be reused must be declared waste. Solid materials used to absorb liquids shall be shoveled into 55-gallon drums or, if the size of the spill warrants, into a roll-off container. When drums are filled after a cleanup, the drum lids shall be secured and the drums appropriately labeled to identify the substance, the date of the spill/cleanup, and the Facility name and location. Combining non-compatible materials can potentially cause dangerous chemical and/or physical reactions or may severely limit disposal options. Compatibility information can be found on MSDS for the specific material or materials.
- **Cleanup of the spill area -** Surfaces that are contaminated by the release shall be cleaned by the use of an appropriate substance or water. Cleanup water must be minimized, contained, and properly disposed. Occasionally, porous materials (such as wood, soil, or oil-dry) may be contaminated; such materials will require special handling for disposal.
- **Decontaminate tools and equipment used in cleanup -** Even if dedicated to cleanup efforts, tools and equipment that have been used must be decontaminated before replacing them in the spill kit.

5.7 Post-Cleanup Procedures

Post-cleanup procedures are discussed in Section 6.0.

5.8 Liaison with Local Authorities

Copies of this plan will be submitted to the local fire department, police department, and hospital if requested. In addition, familiarization sessions may be held with personnel from these organizations as necessary. It is important that personnel responding to an emergency be familiar with chemicals used, the possibilities for releases of hazardous materials, and the location of the fire equipment such as hydrants and extinguishers.

6.0 Emergency Contacts and Reporting Procedures

Refer to the Emergency Response Plan for immediate response information. Report all spills to your immediate supervisor. If the spill is too large to manage (i.e. major spill), leave the area and immediately contact your immediate supervisor or SPCC Coordinator.

In the event of an accident or chemical spill at the Facility, the manager with direct responsibility for the day-to-day Facility operation will make internal and external contacts, as appropriate, as soon as practical after the incident has occurred (see Tables 6-1 and 6-2). If spill discharge to surface waters is imminent, the regulatory emergency agencies (see Section 6.2.1) should be immediately notified of the potential discharge. **Hazardous chemical spills are not covered under this plan** and need to be handled according to the Facility's Emergency Response Plan.

Table 6-1
SPCC Team Members

Team Position	Name	Title	Work Telephone
Primary SPCC Coordinator*	Richard McClurg	Operations Supervisor	206.652.8801
Assistant SPCC Coordinator	Stan Kemp	Operations Supervisor	206.652.8857
Secondary SPCC Coordinator	Randall Hicks	Lead Mechanic	206.264.7953

Internal Contacts

Team Position	Name	Work Telephone	Mobile Telephone
General Manager	Matt Henry	206.332.7740	509.727.1488
Operations Supervisor	Richard McClurg	206.652.8801	206.793.6099
Area Safety Manager	Craig Holmes	425.646.2438	971.832.4488
Area Engineering Manager	Bill Bromann	425. 646.2547	541.230.0721

* *Designated individual responsible for spill prevention.*

6.1 Internal Reporting

In the event of a spill it is the SPCC Coordinator's responsibility to make the necessary internal contacts (see Table 6-1) and any required regulatory contacts (see Table 6-2). Table 6-2 contains a listing of the reporting requirement thresholds.

6.2 Reporting to Outside Agencies

The SPCC Coordinator is responsible for determining if notifying regulatory agencies is necessary (see Table 6-2). If regulatory agencies are contacted, the contact information must be

recorded in the Incident Report Form (Appendix E). In addition, the Regional Engineer must be notified that a regulatory agency has been contacted.

Table 6-2
Spill Reporting Thresholds

Reporting Level	Regulatory Driver	Spill Scenario
Tier 1 – Internal Only	SPCC Plan	Spill contained with no surface or storm water impact - I If spill results in an operational effect, i.e. operations ceased or were delayed – Report to the SPCC Coordinator. If the spill takes more than one hour to clean up, contact the Area Engineering Manager.
Tier 2 – Internal, State	State of Washington Regulations	Washington requires that spills that enter waters of the state be reported. State waters include pretty much everything: Washington's marine waters, estuaries, rivers, lakes, streams, creeks, ponds, springs, wetlands, underground (ground) water sources, sewers, and storm drains.* Notify General Manager, Area Environmental Manager, State
Tier 3 – Internal, State, EPA	EPA Regulations	1,000 gallons or more for a single event, or 42 gallons from two or more spills in a 12-month period. A spill that impacts surface or storm water to violate applicable water quality standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. Notify General Manager, Area Environmental Manager, and EPA Regional Administrator.

**Any quantity of oil that reaches waters of the state that would produce a visible film, sheen, oily slick, oil solids, or coat aquatic life, habitat or property.*

Note: Hazardous substances as defined in 40 CFR Part 302 may have smaller reportable quantities than those listed above, are not covered under this plan, and will be handled per a separate Emergency Response Plan.

6.2.1 Releases/Spills to Land, Air, Navigable or Other Waters

If a spill threatens to reach an off-site waterway, and the spill cannot be contained and recovered by Facility personnel, then the following contacts shall be made in addition to the above contacts:

National Response Center (U.S. Coast Guard)
800.424.8802

Washington Emergency Management Division
800.258.5990 or 800.OILS.911

Ecology Northwest Region
425.649.7000

Environmental Protection Agency, Region 10
206.553.1263

6.2.2 Reporting Procedures

The following information shall be communicated in reporting to outside agencies:

- Name, title, telephone number, and address of reporter
- Name, telephone number, and address of Facility/spill
- Time, type, and amount of materials involved
- Extent of injuries/illness, if known
- Possible hazards to human health and environment
- Any body of water involved
- The cause of accident/spill
- The action taken or proposed by the Facility/personnel

6.3 Post-Cleanup Procedures

Post-cleanup procedures are discussed in Section 6.0:

- **Notify outside agencies -** The SPCC Coordinator shall determine if a reportable spill has occurred (see Section 6.0). Verbal notifications to government agencies and emergency planning committees shall be made, if necessary. Where verbal notification is given, a confirming written report shall be sent to the same entity.
- **Arrange for proper disposal -** Waste material from the cleanup must be properly characterized. If going to a Company-owned or -operated landfill, the Company Special Waste Approval Group must approve the disposal. Representative sampling and analysis may be necessary to make this determination. In any case, the SPCC Coordinator shall assure that the waste is transported and disposed in compliance with applicable laws and regulations. When manifests are needed, the SPCC Coordinator shall see that they are prepared and, when appropriate, returned in the allotted time by the disposal site.
- **Review contingency and spill plans -** Management and operating personnel shall review spill response efforts, notification procedures, and cleanup equipment usage to evaluate their adequacy during the episode. Where deficiencies are found, the SPCC Plan shall be revised and amended.

6.4 Internal Report

Spills that are regulated per this plan must be documented using the Incident Report Form, DEQ Spill/Release Report Form, or equivalent (see Appendix E). The report shall be prepared by the SPCC Coordinator. At a minimum, the report will document the following items:

- Date, time, and duration of release
- Source and total volume of the release

- Spill cleanup procedures
- Personnel who discovered and/or participated in the spill remediation
- Equipment used during the cleanup
- Waste disposal method
- Unusual events, injuries, or agency inspections

7.0 Facility Inspections/Observations

The SPCC Coordinator or his designee shall inspect the Facility for malfunctions, deterioration, operator errors, and discharge that may be causing, or may lead to, spills of oil and hazardous substances. Inspections shall be conducted often enough to identify problems in time to correct them before a spill occurs. The following schedule should provide adequate protection against a spill due to equipment failure:

- Aboveground Tanks, Containers, and Containment:
  - Exterior inspection – monthly
  - Structural supports – monthly
  - Secondary containment – monthly
  - Integrity testing – See Section 7.3
  - Overfill Protection Devices – monthly
- Aboveground Piping
  - Exterior inspection – monthly
- Underground Fuel Tanks and Piping
  - Not applicable. There are no underground fuel tanks or pipes at this Facility.

If a problem is detected in observations during daily operations, the SPCC Coordinator must be notified and the appropriate action initiated. The following weekly observations will be performed:

- AST connections will be observed for leakage, drainage, tightness, and appropriate capping.
- Pumps will be observed for evidence of leakage, proper operation, and damage.
- Aboveground piping will be observed for dripping, loose joints, damage to supports, and pipe deflection.
- Paved and unpaved ground will be observed for evidence of spills or leaks.

7.1 Periodic Inspections

ASTs (including drums) containing oil or hazardous substances will be visually examined on a periodic basis to note their condition and potential maintenance needs. The foundation and structural supports of the ASTs should be examined. Tank exteriors will be observed for signs of deterioration; leaks from seams, rivets, bolts, and gaskets; and accumulation of oil or hazardous substances inside containment structures. If signs of significant tank deterioration are noted, the

AST will be scheduled for more thorough inspection, which may include inspections by certified tank inspectors and/or integrity testing.

- **Aboveground Piping.** Aboveground valves and piping will be examined for general condition of supports, flange joints, expansion joints, valve glands and bodies, and drip pans. Periodic pressure or other non-destructive integrity testing may be warranted for piping where Facility drainage is such that a failure might lead to a spill event. Out-of-service pipes that are connected to in-use tanks will be observed for leaks or potential leaks.

- **Containment Structures.** Secondary containment structures, walls, and berms will be visually inspected at frequent intervals to find accumulations of oil or hazardous substances and determine their sources. An oil stain can create a sheen on the surface of rainwater standing in containment areas. It is a violation of the SPCC regulations to release rainwater that has an oil sheen.

7.2 Certified Inspections/Integrity Testing

Aboveground bulk storage containers will be inspected for integrity on a regular schedule and/or whenever a material repair is made. The frequency, type of testing, and appropriate qualifications of personnel performing these tests and inspections is to be determined by the owner/operator of the Facility, or a designee, according to industry standards. The frequency, type of testing, and personnel qualifications also need to take into consideration container size, configuration, and design. STI Standard SP001 is recommended to determine the appropriate certified inspection and integrity testing schedule.

Based on STI Standard SP001, a "certified inspection" (performed by an API- or STI- certified tank inspector) is not required for the ASTs at Facility. The ASTs at Facility are less than 5,000 gallons, and are considered "Category 1" risk level. These tanks require periodic inspections following the guidelines of Appendix C of the STP Standard SP001. A monthly inspection checklist is provided in Appendix E of this Plan. The inspections will be performed by a Facility employee or designated subcontractor on a monthly basis. Copies of these inspection checklists will be kept with the Plan for a period of at least three (3) years.

If the thickness of the tank wall has been reduced by corrosions, or if secondary containments or tank configurations change, the risk category may increase, and certified inspections may be required.

Table 7-1
Table of Inspection Schedules

Shop Fabricated AST Size (US Gallons)		Category 1	Category 2	Category 3
Shop Fabricated ASTs	0 – 1100 (0-4164 liters)	P	P	P, E&L(10)
	1101 - 5,000 (4168-18,927 liters)	P	P, E&L(10)	[P, E&L(5), I(10)] or [P, L(2), E(5)]
	5001 – 30,000 (18,931 – 113,562 liters)	P, E (20)	[P, E (10, I(20)] or [P, E (5), L(10)]	[P, E&L(5), I(10)] or [P, L(2), E(5)]
	30,001 – 50,000	P, E (20)	P, E&L(5), I(15)	P, E&L(5), I(15)
Portable Containers		P	P	P**

P – Periodic AST inspection
E – Formal External Inspection by Certified Inspector
I – Formal Internal Inspection by Certified Inspector
L – Leak test by owner or owner's designee
( ) indicates maximum inspection interval in years. For example, E (5) indicates formal external inspection every 5 years.

*** Owners shall either discontinue use of portable container for storage or have the portable container DOT (Department of Transportation) tested and recertified per following schedule (refer to Section 9.0): Plastic containers – every 7 years; steel portable container – every 12 years; Stainless Steel container – every 17 years.*

Categories 1, 2, and 3 indicate the risk posed to the environment for an in-service tank. Category 1 is least risk, 3 is highest risk. Since all tanks at Nike have secondary containment or are dual-walled and do not contact the ground, they are considered Category 1 tanks.
Category 1: ASTs which are elevated, have a leak detection system, have spill control and have no part of the tank in contact with the ground (other than legs or supports)
Category 2 or 3: Shop Fabricated Tanks in contact with the ground or a concrete base (typically vertical tanks)

The "certified inspection" may include non-destructive tests as determined by the certified tank inspector. Testing may include, but not be limited to, one or more of the following: visual inspection, pressure testing, cathodic protection testing, and ultrasonic integrity testing.

7.3 Repairs

Facility personnel will promptly correct visible discharges that result in a loss of oil from containers including, but not limited to, seams, gaskets, piping, pumps, valves, rivets, and bolts. Accumulations of oil in containment areas must be promptly removed. Residues shall be removed to the greatest extent possible by wiping the area with absorbent pads (or comparable material).

7.4 Inspection Records

Inspections and repairs will be documented (see Appendix E), signed by the SPCC Coordinator, and kept on file at the Facility with the SPCC Plan (per 40 CFR 112.7(e)) for a period of three years.

RAB001340

Appendix A
Spill Response Procedures

If there is an immediate threat to human life (e.g., a fire in progress or fumes overcoming workers), make an announcement to evacuate the building and call 911.

EMERGENCY RESPONSE GOAL: An effective response procedure during an oil or substance release incident is to keep the material separated from water to minimize migration and the resulting potential increase in human and environmental exposure.

EMERGENCY CONTACTS:

A. SPCC COORDINATOR
Richard McClurg
206.793.6099

B. ASSISTANT SPCC COORDINATOR
Stan Kemp
206.391.3846

C. AREA ENVIRONMENTAL MANAGER
Bill Bromann
425.646.2547

D. NRC Environmental
For spill clean up
1-800-337-7455

E. SEATTLE FIRE DEPARTMENT
206.684.7274 or **911**

F. PROVIDENCE MEDICAL CENTER
500 17th Avenue Seattle, WA
206.320.2500 or **911**

G. NATIONAL RESPONSE CENTER (U.S. Coast Guard)
800.424.8802

H. Washington Emergency Management Division
800.258.5990 or 800.OILS.911

I. ECOLOGY NORTHWEST REGION
425.553.1263

J. ENVIRONMENTAL PROTECTION AGENCY, REGION 10
206.553.1263

Discovery of a Release

The person discovering a release of material from a container, tank, or operating equipment should immediately report the incident to the Supervisor and the SPCC Coordinator.

- **Extinguish any nearby sources of ignition.** Assure that no danger to human health exists. Unless the spilled material is identified as nonflammable and noncombustible, all potential sources of ignition in the area should be turned off, extinguished, or removed. Vehicle's engines should be turned off. If the ignition source is stationary, attempt to move spilled material away from ignition source. Avoid sparks and movement creating static electricity.
- **Attempt to stop the release at its source.** Assure that no danger to human health exists. Simple procedures (e.g., turning valves, plugging leaks) may be attempted by the discoverer if there is a reasonable certainty of the leak's origin. All other efforts to control leaks should be supervised by the Primary SPCC Coordinator or Assistant SPCC Coordinator.
- **Initiate spill notification and reporting procedures.** Request the assistance of the fire department's hazardous materials response team if an uncontrollable spill has occurred and/or if the spill has migrated beyond the Facility boundary. The SPCC Coordinator will perform necessary corporate and external regulatory notifications.

Containment of a Release

If material is released outside the containment areas, the material must be accurately identified and appropriate control measures taken in the safest possible manner. Consult the MSDS notebook in the office building. To contain a release, follow these procedures:

- **Attempt to stop the release at the source.** If the source of the release has not been found; if special protective equipment is necessary to approach the release area; or if assistance is required to stop the release, call the fire department to halt the discharge at its source. Site personnel should remain available to guide the fire department's efforts.
- **Contain the material released into the environment.** Following proper safety procedures contain the spill by placing absorbent materials and dikes using shovels and brooms. A mobile spill kit that includes adsorbent material, containment socks, rags, plastic, and a salvage drum is located in the Facility. Consult applicable MSDS documents for material compatibility, safety, and environmental precautions. The mobile spill kit should include the following items which should be replenished following each use:
  - Spill control instructions
  - Four pairs of nitrile gloves
  - Two pairs of safety goggles
  - Two 22-pound absorbent sponge dry
  - 3B bonding putty repair kit
  - Two 3 x 48 Glygone™ socks/snakes
  - Six drum liners (24 x 36 mil)
  - Four Tyvek™ suits
  - Caution tape
  - Brooms
  - Shovels

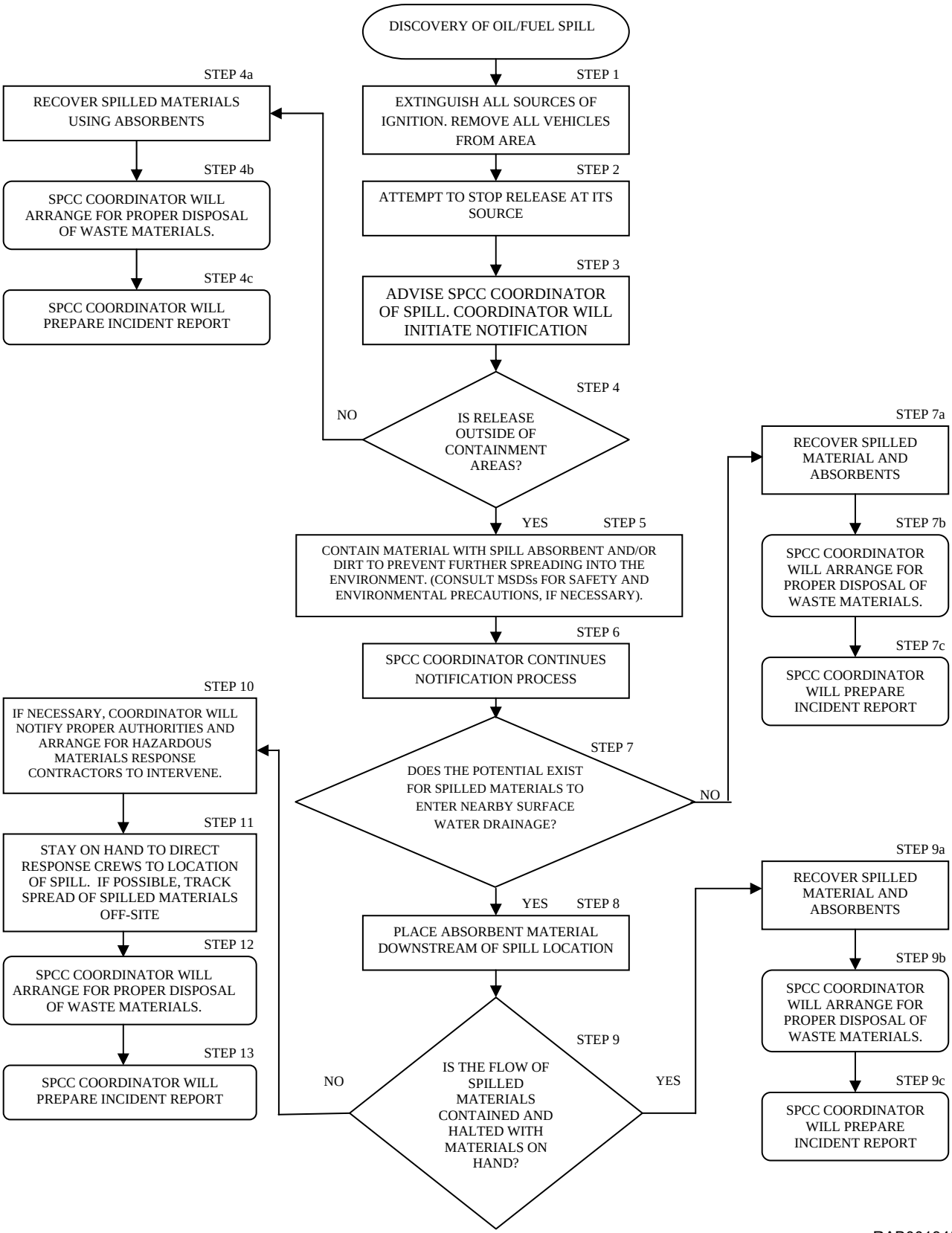
- **Continue the notification procedure.** Inform the SPCC Coordinator of the release (the Coordinator shall perform subsequent notification as appropriate).

Spill Cleanup and Reporting

Once the spill situation is under control and the release has been contained, Facility personnel should commence the cleanup and reporting procedure described in Section 6.0. Obtain outside contractors to clean up the spill, if necessary.

RABANCO RECYCLING & WASTE REDUCTION CENTER

SPILL RESPONSE FLOWCHART



RAB001345

Appendix B
SPCC Regulations
40 CFR 112 and WAC 173-303-340

Title 40: Protection of Environment

PART 112—OIL POLLUTION PREVENTION

§ 112.1 General applicability.

(a)(1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

(2) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

(b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

(1) Any aboveground container;

(2) Any completely buried tank as defined in §112.2;

(3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise “permanently closed” as defined in §112.2;

(4) Any “bunkered tank” or “partially buried tank” as defined in §112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.

(c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.

(d) Except as provided in paragraph (f) of this section, this part does not apply to:

(1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:

(i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

(ii) Any equipment, or operation of a vessel or transportation-related onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 (Appendix A of this part).

(iii) Any equipment, or operation of a vessel or onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation or the U.S. Department of the Interior, as defined in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:

(i) The completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter, or the capacity of any underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. The completely buried storage capacity of a facility also excludes the capacity of a container that is “permanently closed,” as defined in §112.2 and the capacity of intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil. For the purposes of this exemption, only containers with a capacity of 55 U.S. gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes:

(A) The capacity of a container that is “permanently closed” as defined in §112.2;

(B) The capacity of a “motive power container” as defined in §112.2;

(C) The capacity of hot-mix asphalt or any hot-mix asphalt container;

(D) The capacity of a container for heating oil used solely at a single-family residence;

(E) The capacity of pesticide application equipment and related mix containers.

(3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, or any underground oil storage tanks including below-grade vaulted tanks, deferred under 40 CFR part 280, as originally promulgated, that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission, provided that such a tank is subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. Such emergency generator tanks must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

(5) Any container with a storage capacity of less than 55 gallons of oil.

(6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.

(7) Any “motive power container,” as defined in §112.2. The transfer of fuel or other oil into a motive power container at an otherwise regulated facility is not eligible for this exemption.

(8) Hot-mix asphalt, or any hot-mix asphalt container.

(9) Any container for heating oil used solely at a single-family residence.

(10) Any pesticide application equipment or related mix containers.

(11) Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195, except that such a line's location must be identified and marked as “exempt” on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.

(f) Notwithstanding paragraph (d) of this section, the Regional Administrator may require that the owner or operator of any facility subject to the jurisdiction of EPA under section 311(j) of the CWA prepare and implement an SPCC Plan, or any applicable part, to carry out the purposes of the CWA.

(1) Following a preliminary determination, the Regional Administrator must provide a written notice to the owner or operator stating the reasons why he must prepare an SPCC Plan, or applicable part. The Regional Administrator must send such notice to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of such notice to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(2) Within 30 days of receipt of such written notice, the owner or operator may provide information and data and may consult with the Agency about the need to prepare an SPCC Plan, or applicable part.

(3) Within 30 days following the time under paragraph (b)(2) of this section within which the owner or operator may provide information and data and consult with the Agency about the need to prepare an SPCC Plan, or applicable part, the Regional Administrator must make a final determination regarding whether the owner or operator is required to prepare and implement an SPCC Plan, or applicable part. The Regional Administrator must send the final determination to the owner or operator by certified

mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of the final determination to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(4) If the Regional Administrator makes a final determination that an SPCC Plan, or applicable part, is necessary, the owner or operator must prepare the Plan, or applicable part, within six months of that final determination and implement the Plan, or applicable part, as soon as possible, but not later than one year after the Regional Administrator has made a final determination.

(5) The owner or operator may appeal a final determination made by the Regional Administrator requiring preparation and implementation of an SPCC Plan, or applicable part, under this paragraph. The owner or operator must make the appeal to the Administrator of EPA within 30 days of receipt of the final determination under paragraph (b)(3) of this section from the Regional Administrator requiring preparation and/or implementation of an SPCC Plan, or applicable part. The owner or operator must send a complete copy of the appeal to the Regional Administrator at the time he makes the appeal to the Administrator. The appeal must contain a clear and concise statement of the issues and points of fact in the case. In the appeal, the owner or operator may also provide additional information. The additional information may be from any person. The Administrator may request additional information from the owner or operator. The Administrator must render a decision within 60 days of receiving the appeal or additional information submitted by the owner or operator and must serve the owner or operator with the decision made in the appeal in the manner described in paragraph (f)(1) of this section.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 74300, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009]

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in appendix E to this part (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

Farm means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, $1,000 or more of agricultural products during a year.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Loading/unloading rack means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in §112.20 or in a specific plan approved by the Regional Administrator.

Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Motive power container means any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container. The definition of motive power container does not include oil drilling or workover equipment, including rigs.

Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the FWPCA, and includes:

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92–500), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.* , those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:

(1) All liquid and sludge has been removed from each container and connecting line; and

(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Produced water container means a storage container at an oil production facility used to store the produced water after initial oil/water separation, and prior to reinjection, beneficial reuse, discharge, or transfer for disposal.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

Transportation-related and non-transportation-related , as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in appendix D to this part.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 71943, Nov. 26, 2008; 73 FR 74300, Dec. 5, 2008]

§ 112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.

The owner or operator or an onshore or offshore facility subject to this section must prepare in writing and implement a Spill Prevention Control and Countermeasure Plan (hereafter “SPCC Plan” or “Plan”),” in accordance with §112.7 and any other applicable section of this part.

(a)(1) Except as otherwise provided in this section, if your facility, or mobile or portable facility, was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan no later than November 10, 2011. If such a facility becomes operational after August 16, 2002, through November 10, 2011, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan on or before November 10, 2011. If such a facility (excluding oil production facilities) becomes operational after November 10, 2011, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan before you begin operations. You are not required to prepare a new Plan each time you move a mobile or portable facility to a new site; the Plan may be general. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. The Plan is applicable only while the mobile or portable facility is in a fixed (non-transportation) operating mode.

(2) If your drilling, production or workover facility, including a mobile or portable facility, is offshore or has an offshore component; or your onshore facility is required to have and submit a Facility Response Plan pursuant to 40 CFR 112.20(a), and was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan no later than November 10, 2010. If such a facility becomes operational after August 16, 2002, through November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan on or before November 10, 2010. If such a facility (excluding oil production facilities) becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan before you begin operations. You are not required to prepare a new Plan each time you move a mobile or portable facility to a new site; the Plan may be general. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. The Plan is applicable only while the mobile or portable facility is in a fixed (non-transportation) operating mode.

(b) If your oil production facility as described in paragraph (a)(1) of this section becomes operational after November 10, 2011, or as described in paragraph (a)(2) of this section becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan within six months after you begin operations.

(c) If your facility has milk and milk product containers, associated piping and appurtenances constructed according to current applicable 3–A Sanitary Standards, and subject to current applicable Grade “A” Pasteurized Milk Ordinance (PMO) or a State dairy regulatory requirement equivalent to current applicable PMO, do not include these milk and milk product containers when either determining the aggregate oil storage capacity of your facility or as part of your Plan. The date in paragraph (a)(1), by which you must comply with the provisions of this part for these milk and milk product containers, is delayed by one year from the effective date of a final rule addressing these milk and milk product containers, or until a rule that otherwise establishes a compliance date. You must maintain and amend, or prepare your Plan to address any other oil containers at the facility otherwise subject to the requirements of this part by the compliance date in paragraph (a)(1) of this section if your facility meets any of the aggregate oil storage capacity thresholds of §112.1 of this part.

(d) Except as provided in §112.6, a licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.

(1) By means of this certification the Professional Engineer attests:

(i) That he is familiar with the requirements of this part ;

(ii) That he or his agent has visited and examined the facility;

(iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;

(iv) That procedures for required inspections and testing have been established; and

(v) That the Plan is adequate for the facility.

(vi) That, if applicable, for a produced water container subject to §112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan.

(2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.

(e) If you are the owner or operator of a facility for which a Plan is required under this section, you must:

(1) Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended, and

(2) Have the Plan available to the Regional Administrator for on-site review during normal working hours.

(f) *Extension of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.

(2) If you are an owner or operator seeking an extension of time under paragraph (f)(1) of this section, you may submit a written extension request to the Regional Administrator. Your request must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

(g) *Qualified Facilities.* The owner or operator of a qualified facility as defined in this subparagraph may self-certify his facility's Plan, as provided in §112.6. A qualified facility is one that meets the following Tier I or Tier II qualified facility criteria:

(1) A Tier I qualified facility meets the qualification criteria in paragraph (g)(2) of this section and has no individual aboveground oil storage container with a capacity greater than 5,000 U.S. gallons.

(2) A Tier II qualified facility is one that has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to this part if the facility has been in operation for less than three years (other than discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism), and has an aggregate aboveground oil storage capacity of 10,000 U.S. gallons or less.

[67 FR 47140, July 17, 2002, as amended at 68 FR 1351, Jan. 9, 2003; 68 FR 18894, Apr. 17, 2003; 69 FR 48798, Aug. 11, 2004; 71 FR 8466, Feb. 17, 2006; 71 FR 77290, Dec. 26, 2006; 72 FR 27447, May 16, 2007; 73 FR 74301, Dec. 5, 2008, 74 FR 29141, June 19, 2009; 74 FR 58809, Nov. 13, 2009; 75 FR 63102, Oct. 14, 2010]

§ 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

If you are the owner or operator of a facility subject to this part, you must:

(a) Notwithstanding compliance with §112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

(7) The cause of such discharge as described in §112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;

(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

(b) Take no action under this section until it applies to your facility. This section does not apply until the expiration of the time permitted for the initial preparation and implementation of the Plan under §112.3, but not including any amendments to the Plan.

(c) Send to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located a complete copy of all information you provided to the Regional Administrator under paragraph (a) of this section. Upon receipt of the information such State agency or agencies may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment, and other requirements necessary to prevent and to contain discharges from your facility.

(d) Amend your Plan, if after review by the Regional Administrator of the information you submit under paragraph (a) of this section, or submission of information to EPA by the State agency under paragraph (c) of this section, or after on-site review of your Plan, the Regional Administrator requires that you do so. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of this part or that amendment is necessary to prevent and contain discharges from your facility.

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known, in the State in which the facility is located. The Regional Administrator must specify the terms of such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

(f) If you appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan, send the appeal to the EPA Administrator in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment under paragraph (e) of this section. You must send a complete copy of the appeal to the Regional Administrator at the time you make the appeal. The appeal must contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from you, or from any other person. The EPA Administrator may request additional information from you, or from any other person. The EPA Administrator must render a decision within 60 days of receiving the appeal and must notify you of his decision.

§ 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

If you are the owner or operator of a facility subject to this part, you must:

(a) Amend the SPCC Plan for your facility in accordance with the general requirements in §112.7, and with any specific section of this part applicable to your facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in §112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

(b) Notwithstanding compliance with paragraph (a) of this section, complete a review and evaluation of the SPCC Plan at least once every five years from the date your facility becomes subject to this part; or, if your facility was in operation on or before August 16, 2002, five years from the date your last review was required under this part. As a result of this review and evaluation, you must amend your SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility. You must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. You must document your completion of the review and evaluation, and must sign a statement as to whether you will

amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, “I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result.”

(c) Except as provided in §112.6, have a Professional Engineer certify any technical amendments to your Plan in accordance with §112.3(d).

[67 FR 47140, July 17, 2002, as amended at 71 FR 77291, Dec. 26, 2006; 73 FR 74301, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009]

§ 112.6 Qualified Facility Plan Requirements.

Qualified facilities meeting the Tier I applicability criteria in §112.3(g)(1) are subject to the requirements in paragraph (a) of this section. Qualified facilities meeting the Tier II applicability criteria in §112.3(g)(2) are subject to the requirements in paragraph (b) of this section.

(a) *Tier I Qualified Facilities* —(1) *Preparation and Self-Certification of the Plan.* If you are an owner or operator of a facility that meets the Tier I qualified facility criteria in §112.3(g)(1), you must either: comply with the requirements of paragraph (a)(3) of this section; or prepare and implement a Plan meeting requirements of paragraph (b) of this section; or prepare and implement a Plan meeting the general Plan requirements in §112.7 and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under §112.3(d). If you do not follow the Appendix G template, you must prepare an equivalent Plan that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. To complete the template in Appendix G, you must certify that:

(i) You are familiar with the applicable requirements of 40 CFR part 112;

(ii) You have visited and examined the facility;

(iii) You prepared the Plan in accordance with accepted and sound industry practices and standards;

(iv) You have established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;

(v) You will fully implement the Plan;

(vi) The facility meets the qualification criteria in §112.3(g)(1);

(vii) The Plan does not deviate from any requirement of this part as allowed by §112.7(a)(2) and 112.7(d) or include measures pursuant to §112.9(c)(6) for produced water containers and any associated piping; and

(viii) The Plan and individual(s) responsible for implementing this Plan have the approval of management, and the facility owner or operator has committed the necessary resources to fully implement this Plan.

(2) *Technical Amendments.* You must certify any technical amendments to your Plan in accordance with paragraph (a)(1) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in §112.1(b). If the facility change results in the facility no longer meeting the Tier I qualifying criteria in §112.3(g)(1) because an individual oil storage container capacity exceeds 5,000 U.S. gallons or the facility capacity exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity, within six months following preparation of the amendment, you must either:

(i) Prepare and implement a Plan in accordance with §112.6(b) if you meet the Tier II qualified facility criteria in §112.3(g)(2); or

(ii) Prepare and implement a Plan in accordance with the general Plan requirements in §112.7, and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under §112.3(d).

(3) *Plan Template and Applicable Requirements.* Prepare and implement an SPCC Plan that meets the following requirements under §112.7 and in subparts B and C of this part: introductory paragraph of §§112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.7(k), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(4), 112.8(c)(5), 112.8(c)(6), 112.8(c)(10), 112.8(d)(4), 112.9(b), 112.9(c)(1), 112.9(c)(2), 112.9(c)(3), 112.9(c)(4), 112.9(c)(5), 112.9(d)(1), 112.9(d)(3), 112.9(d)(4), 112.10(b), 112.10(c), 112.10(d), 112.12(b)(1), 112.12(b)(2), 112.12(c)(1), 112.12(c)(3), 112.12(c)(4), 112.12(c)(5), 112.12(c)(6), 112.12(c)(10), and 112.12(d)(4). The template in Appendix G to this part has been developed to meet the requirements of 40 CFR part 112 and, when completed and signed by the owner or operator, may be used as the SPCC Plan. Additionally, you must meet the following requirements:

(i) *Failure analysis, in lieu of the requirements in §112.7(b).* Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of discharge), include in your Plan a prediction of the direction and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(ii) *Bulk storage container secondary containment, in lieu of the requirements in §§112.8(c)(2) and (c)(11) and 112.12(c)(2) and (c)(11).* Construct all bulk storage container installations (except mobile refuelers and other non-transportation-related tank trucks), including mobile or portable oil storage containers, so that you provide a secondary means of containment for the entire capacity of the largest single container plus additional capacity to contain precipitation. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a catchment basin or holding pond. Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b).

(iii) *Overfill prevention, in lieu of the requirements in §§112.8(c)(8) and 112.12(c)(8).* Ensure that each container is provided with a system or documented procedure to prevent overfills of the container, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy.

(b) *Tier II Qualified Facilities* —(1) *Preparation and Self-Certification of Plan.* If you are the owner or operator of a facility that meets the Tier II qualified facility criteria in §112.3(g)(2), you may choose to self-certify your Plan. You must certify in the Plan that:

(i) You are familiar with the requirements of this part;

(ii) You have visited and examined the facility;

(iii) The Plan has been prepared in accordance with accepted and sound industry practices and standards, and with the requirements of this part;

(iv) Procedures for required inspections and testing have been established;

(v) You will fully implement the Plan;

(vi) The facility meets the qualification criteria set forth under §112.3(g)(2);

(vii) The Plan does not deviate from any requirement of this part as allowed by §112.7(a)(2) and 112.7(d) or include measures pursuant to §112.9(c)(6) for produced water containers and any associated piping, except as provided in paragraph (b)(3) of this section; and

(viii) The Plan and individual(s) responsible for implementing the Plan have the full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.

(2) *Technical Amendments.* If you self-certify your Plan pursuant to paragraph (b)(1) of this section, you must certify any technical amendments to your Plan in accordance with paragraph (b)(1) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in §112.1(b), except:

(i) If a Professional Engineer certified a portion of your Plan in accordance with paragraph (b)(4) of this section, and the technical amendment affects this portion of the Plan, you must have the amended provisions of your Plan certified by a Professional Engineer in accordance with paragraph (b)(4)(ii) of this section.

(ii) If the change is such that the facility no longer meets the Tier II qualifying criteria in §112.3(g)(2) because it exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity you must, within six months following the change, prepare and implement a Plan in accordance with the general Plan requirements in §112.7 and the applicable requirements in subparts B and C of this part, including having the Plan certified by a Professional Engineer as required under §112.3(d).

(3) *Applicable Requirements.* Except as provided in this paragraph, your self-certified SPCC Plan must comply with §112.7 and the applicable requirements in subparts B and C of this part:

(i) *Environmental Equivalence.* Your Plan may not include alternate methods which provide environmental equivalence pursuant to §112.7(a)(2), unless each alternate method has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(ii) *Impracticability.* Your Plan may not include any determinations that secondary containment is impracticable and provisions in lieu of secondary containment pursuant to §112.7(d), unless each such determination and alternate measure has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(iii) *Produced Water Containers.* Your Plan may not include any alternative procedures for skimming produced water containers in lieu of sized secondary containment pursuant to §112.9(c)(6), unless they have been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(4) *Professional Engineer Certification of Portions of a Qualified Facility's Self-Certified Plan.*

(i) As described in paragraph (b)(3) of this section, the facility owner or operator may not self-certify alternative measures allowed under §112.7(a)(2) or (d), that are included in the facility's Plan. Such measures must be reviewed and certified, in writing, by a licensed Professional Engineer. For each alternative measure allowed under §112.7(a)(2), the Plan must be accompanied by a

written statement by a Professional Engineer that states the reason for nonconformance and describes the alternative method and how it provides equivalent environmental protection in accordance with §112.7(a)(2). For each determination of impracticability of secondary containment pursuant to §112.7(d), the Plan must clearly explain why secondary containment measures are not practicable at this facility and provide the alternative measures required in §112.7(d) in lieu of secondary containment. By certifying each measure allowed under §112.7(a)(2) and (d), the Professional Engineer attests:

(A) That he is familiar with the requirements of this part;

(B) That he or his agent has visited and examined the facility; and

(C) That the alternative method of environmental equivalence in accordance with §112.7(a)(2) or the determination of impracticability and alternative measures in accordance with §112.7(d) is consistent with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part.

(ii) As described in paragraph (b)(3) of this section, the facility owner or operator may not self-certify measures as described in §112.9(c)(6) for produced water containers and any associated piping. Such measures must be reviewed and certified, in writing, by a licensed Professional Engineer, in accordance with §112.3(d)(1)(vi).

(iii) The review and certification by the Professional Engineer under this paragraph is limited to the alternative method which achieves equivalent environmental protection pursuant to §112.7(a)(2); to the impracticability determination and measures in lieu of secondary containment pursuant to §112.7(d); or the measures pursuant to §112.9(c)(6) for produced water containers and any associated piping and appurtenances downstream from the container.

[73 FR 74302, Dec. 5, 2008, as amended at 74 FR 58810, Nov. 13, 2009]

§ 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

(a)(1) Include a discussion of your facility's conformance with the requirements listed in this part.

(2) Comply with all applicable requirements listed in this part. Except as provided in §112.6, your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.9(d)(3), 112.10(c), 112.12(c)(2), and 112.12(c)(11), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraph (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and 112.12(c)(11), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in §112.4(d) and (e).

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must identify the location of and mark as “exempt” underground tanks that are otherwise exempted from the requirements of this part under §112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes, including intra-facility gathering lines that are otherwise exempted from the requirements of this part under §112.1(d)(11). You must also address in your Plan:

(i) The type of oil in each fixed container and its storage capacity. For mobile or portable containers, either provide the type of oil and storage capacity for each container or provide an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities;

(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.);

(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);

(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and

(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of a discharge as described in §112.1(b).

(4) Unless you have submitted a response plan under §112.20, provide information and procedures in your Plan to enable a person reporting a discharge as described in §112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge, the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in §112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

(5) Unless you have submitted a response plan under §112.20, organize portions of the Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices.

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in §112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment, and except as provided in §112.9(d)(3) for flowlines and intra-facility gathering lines at an oil production facility. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either active or passive in design. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:

(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil;

(ii) Curbing or drip pans;

(iii) Sumps and collection systems;

(iv) Culverting, gutters, or other drainage systems;

(v) Weirs, booms, or other barriers;

(vi) Spill diversion ponds;

(vii) Retention ponds; or

(viii) Sorbent materials.

(2) For offshore facilities:

(i) Curbing or drip pans; or

(ii) Sumps and collection systems.

(d) Provided your Plan is certified by a licensed Professional Engineer under §112.3(d), or, in the case of a qualified facility that meets the criteria in §112.3(g), the relevant sections of your Plan are certified by a licensed Professional Engineer under §112.6(d), if you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and 112.12(c)(11) to prevent a discharge as described in §112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under §112.20, provide in your Plan the following:

(1) An oil spill contingency plan following the provisions of part 109 of this chapter.

(2) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

(e) *Inspections, tests, and records.* Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(f) *Personnel, training, and discharge prevention procedures.* (1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan.

(2) Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.

(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

(g) *Security (excluding oil production facilities).* Describe in your Plan how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; and address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).*

(1) Where loading/unloading rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading/unloading racks. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks or vehicle brake interlock system in the area adjacent to a loading/unloading rack, to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

(3) Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.

(i) If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.

(k) *Qualified Oil-filled Operational Equipment.* The owner or operator of a facility with oil-filled operational equipment that meets the qualification criteria in paragraph (k)(1) of this sub-section may choose to implement for this qualified oil-filled operational equipment the alternate requirements as described in paragraph (k)(2) of this sub-section in lieu of general secondary containment required in paragraph (c) of this section.

(1) *Qualification Criteria—Reportable Discharge History:* The owner or operator of a facility that has had no single discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan certification date, or since becoming subject to this part if the facility has been in operation for less than three years (other than oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war or terrorism); and

(2) *Alternative Requirements to General Secondary Containment.* If secondary containment is not provided for qualified oil-filled operational equipment pursuant to paragraph (c) of this section, the owner or operator of a facility with qualified oil-filled operational equipment must:

(i) Establish and document the facility procedures for inspections or a monitoring program to detect equipment failure and/or a discharge; and

(ii) Unless you have submitted a response plan under §112.20, provide in your Plan the following:

(A) An oil spill contingency plan following the provisions of part 109 of this chapter.

(B) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77292, Dec. 26, 2006; 73 FR 74303, Dec. 5, 2008; 74 FR 58810, Nov. 13, 2009]

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

§ 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, as provided in paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two “lift” pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially

buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). Except for mobile refuelers and other non-transportation-related tank trucks, you must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

[67 FR 47146, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006; 73 FR 74304, Dec. 5, 2008]

§ 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore oil production facility (excluding a drilling or workover facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.* (1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in §112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under §112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as

provided in §112.8(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Except as described in paragraph (c)(5) of this section for flow-through process vessels and paragraph (c)(6) of this section for produced water containers and any associated piping and appurtenances downstream from the container, construct all tank battery, separation, and treating facility installations, so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Except as described in paragraph (c)(5) of this section for flow-through process vessels and paragraph (c)(6) of this section for produced water containers and any associated piping and appurtenances downstream from the container, periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overfill if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(5) *Flow-through process vessels.* The owner or operator of a facility with flow-through process vessels may choose to implement the alternate requirements as described below in lieu of sized secondary containment required in paragraphs (c)(2) and (c)(3) of this section.

(i) Periodically and on a regular schedule visually inspect and/or test flow-through process vessels and associated components (such as dump valves) for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b).

(ii) Take corrective action or make repairs to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.

(iii) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with flow-through process vessels.

(iv) If your facility discharges more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period, from flow-through process vessels (excluding discharges that are the result of natural disasters, acts of war, or terrorism) then you must, within six months from the time the facility becomes subject to this paragraph, ensure that all flow-through process vessels subject to this subpart comply with §112.9(c)(2) and (c)(3).

(6) *Produced water containers.* For each produced water container, comply with §112.9(c)(1) and (c)(4); and §112.9(c)(2) and (c)(3), or comply with the provisions of the following paragraphs (c)(6)(i) through (v):

(i) Implement, on a regular schedule, a procedure for each produced water container that is designed to separate the free-phase oil that accumulates on the surface of the produced water. Include in the Plan a description of the procedures, frequency, amount of free-phase oil expected to be maintained inside the container, and a Professional Engineer certification in accordance with §112.3(d)(1)(vi). Maintain records of such events in accordance with §112.7(e). Records kept under usual and customary business practices will suffice for purposes of this paragraph. If this procedure is not implemented as described in the Plan or no records are maintained, then you must comply with §112.9(c)(2) and (c)(3).

(ii) On a regular schedule, visually inspect and/or test the produced water container and associated piping for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) in accordance with good engineering practice.

(iii) Take corrective action or make repairs to the produced water container and any associated piping as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.

(iv) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with the produced water container.

(v) If your facility discharges more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period from a produced water container subject to this subpart (excluding discharges that are the result of natural disasters, acts of war, or terrorism) then you must, within six months from the time the facility becomes subject to this paragraph, ensure that all produced water containers subject to this subpart comply with §112.9(c)(2) and (c)(3).

(d) *Facility transfer operations, oil production facility.* (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) For flowlines and intra-facility gathering lines that are not provided with secondary containment in accordance with §112.7(c), unless you have submitted a response plan under §112.20, provide in your Plan the following:

(i) An oil spill contingency plan following the provisions of part 109 of this chapter.

(ii) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that might be harmful.

(4) Prepare and implement a written program of flowline/intra-facility gathering line maintenance. The maintenance program must address your procedures to:

(i) Ensure that flowlines and intra-facility gathering lines and associated valves and equipment are compatible with the type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment.

(ii) Visually inspect and/or test flowlines and intra-facility gathering lines and associated appurtenances on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge as described in §112.1(b). For flowlines and intra-facility gathering lines that are not provided with secondary containment in accordance with §112.7(c), the frequency and type of testing must allow for the implementation of a contingency plan as described under part 109 of this chapter.

(iii) Take corrective action or make repairs to any flowlines and intra-facility gathering lines and associated appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge.

(iv) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with flowlines, intra-facility gathering lines, and associated appurtenances.

[73 FR, 74304, Dec. 5, 2008, as amended at 74 FR 58810, Nov. 13, 2009]

§ 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in §112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in §112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

§ 112.12 Spill Prevention, Control, and Countermeasure Plan requirements.

If you are the owner or operator of an onshore facility, you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas

by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, subject to the requirements of paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two “lift” pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) *Bulk storage container inspections.*

(i) Except for containers that meet the criteria provided in paragraph (c)(6)(ii) of this section, test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity tests include, but are not limited to: Visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

(ii) For bulk storage containers that are subject to 21 CFR part 110, are elevated, constructed of austenitic stainless steel, have no external insulation, and are shop-fabricated, conduct formal visual inspection on a regular schedule. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. You must determine and document in the Plan the appropriate qualifications for personnel performing tests and inspections. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph (c)(6).

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). Except for mobile refuelers and other non-transportation-related tank trucks, you must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

[67 FR 57149, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006; 73 FR 74305, Dec. 5, 2008]

§§ 112.13-112.15 [Reserved]

Subpart D—Response Requirements

§ 112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101–380, 33 U.S.C. 2701 *et seq.*) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (f)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator before the portion of the facility undergoing change commences operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iv) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula that is comparable to one contained in Appendix C to this part to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the response plan cover sheet contained in Appendix F to this part that demonstrates the reliability and analytical soundness of the alternative formula.

(4) *Preparation and submission of response plans — Animal fat and vegetable oil facilities.* The owner or operator of any non-transportation-related facility that handles, stores, or transports animal fats and vegetable oils must prepare and submit a facility response plan as follows:

(i) *Facilities with approved plans.* The owner or operator of a facility with a facility response plan that has been approved under paragraph (c) of this section by July 31, 2000 need not prepare or submit a revised plan except as otherwise required by paragraphs (b), (c), or (d) of this section.

(ii) *Facilities with plans that have been submitted to the Regional Administrator.* Except for facilities with approved plans as provided in paragraph (a)(4)(i) of this section, the owner or operator of a facility that has submitted a response plan to the Regional Administrator prior to July 31, 2000 must review the plan to determine if it meets or exceeds the applicable provisions of this part. An owner or operator need not prepare or submit a new plan if the existing plan meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must prepare and submit a new plan by September 28, 2000.

(iii) *Newly regulated facilities.* The owner or operator of a newly constructed facility that commences operation after July 31, 2000 must prepare and submit a plan to the Regional Administrator in accordance with paragraph (a)(2)(ii) of this section. The plan must meet or exceed the applicable provisions of this part. The owner or operator of an existing facility that must prepare and submit a plan after July 31, 2000 as a result of a planned or unplanned change in facility characteristics that causes the facility to become regulated under paragraph (f)(1) of this section, must prepare and submit a plan to the Regional Administrator in accordance with paragraph (a)(2)(iii) or (iv) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(iv) *Facilities amending existing plans.* The owner or operator of a facility submitting an amended plan in accordance with paragraph (d) of this section after July 31, 2000, including plans that had been previously approved, must also review the plan to determine if it meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must revise and resubmit revised portions of an amended plan to the Regional Administrator in accordance with paragraph (d) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(b)(1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section after considering the factors in paragraph (f)(2) of this section. If such a determination is made, the Regional Administrator shall notify the facility owner or operator in writing and shall provide a basis for the determination. If the Regional Administrator notifies the owner or operator in writing of the requirement to prepare and submit a

response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months of receipt of such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(c) The Regional Administrator shall determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (f)(3) of this section. If such a determination is made, the Regional Administrator shall notify the owner or operator of the facility in writing and:

(1) Promptly review the facility response plan;

(2) Require amendments to any response plan that does not meet the requirements of this section;

(3) Approve any response plan that meets the requirements of this section; and

(4) Review each response plan periodically thereafter on a schedule established by the Regional Administrator provided that the period between plan reviews does not exceed five years.

(d)(1) The owner or operator of a facility for which a response plan is required under this part shall revise and resubmit revised portions of the response plan within 60 days of each facility change that materially may affect the response to a worst case discharge, including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources;

(iii) A material change in capabilities of the oil spill removal organization(s) that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures; and

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan and a change in the oil spill removal organization(s) that does not result in a material change in support capabilities do not require approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the Regional Administrator as the revisions occur.

(3) The owner or operator of a facility that submits changes to a response plan as provided in paragraph (d)(1) or (d)(2) of this section shall provide the EPA-issued facility identification number (where one has been assigned) with the changes.

(4) The Regional Administrator shall review for approval changes to a response plan submitted pursuant to paragraph (d)(1) of this section for a facility determined pursuant to paragraph (f)(3) of this section to have the potential to cause significant and substantial harm to the environment.

(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part and, in the event an alternative formula that is comparable to one contained in Appendix C to this part is used to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.

(f)(1) A facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (a)(2) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in Attachment C-I to Appendix C to this part:

(i) The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or

(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground oil storage tank within each storage area plus sufficient freeboard to allow for precipitation;

(B) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III of the "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan prepared pursuant to section 311(j)(4) of the Clean Water Act;

(C) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years.

(2)(i) To determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (b) of this section, the Regional Administrator shall consider the following:

(A) Type of transfer operation;

(B) Oil storage capacity;

(C) Lack of secondary containment;

(D) Proximity to fish and wildlife and sensitive environments and other areas determined by the Regional Administrator to possess ecological value;

(E) Proximity to drinking water intakes;

(F) Spill history; and

(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into or on navigable waters or adjoining shorelines.

(ii) Any person, including a member of the public or any representative from a Federal, State, or local agency who believes that a facility subject to this section could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the factors in paragraph (f)(2)(i) of this section apply to the facility in question. The RA shall consider such petitions and respond in an appropriate amount of time.

(3) To determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:

(i) Frequency of past discharges;

(ii) Proximity to navigable waters;

(iii) Age of oil storage tanks; and

(iv) Other facility-specific and Region-specific information, including local impacts on public health.

(g)(1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substance Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans prepared pursuant to section 311(j)(4) of the Clean Water Act. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.). Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.

(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substances Pollution Contingency Plan and applicable Area Contingency Plan annually and, if necessary, revise the facility response plan to ensure consistency with these plans.

(3) The owner or operator shall review and update the facility response plan periodically to reflect changes at the facility.

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless you have prepared an equivalent response plan acceptable to the Regional Administrator to meet State or other Federal requirements. A response plan that does not follow the specified format in Appendix F to this part shall have an emergency response action plan as specified in paragraphs (h)(1) of this section and be supplemented with a cross-reference section to identify the location of the

elements listed in paragraphs (h)(2) through (h)(10) of this section. To meet the requirements of this part, a response plan shall address the following elements, as further described in Appendix F to this part:

(1) *Emergency response action plan.* The response plan shall include an emergency response action plan in the format specified in paragraphs (h)(1)(i) through (viii) of this section that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:

(i) The identity and telephone number of a qualified individual having full authority, including contracting authority, to implement removal actions;

(ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;

(iii) A description of information to pass to response personnel in the event of a reportable discharge;

(iv) A description of the facility's response equipment and its location;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;

(vii) A description of immediate measures to secure the source of the discharge, and to provide adequate containment and drainage of discharged oil; and

(viii) A diagram of the facility.

(2) *Facility information.* The response plan shall identify and discuss the location and type of the facility, the identity and tenure of the present owner and operator, and the identity of the qualified individual identified in paragraph (h)(1) of this section.

(3) *Information about emergency response.* The response plan shall include:

(i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge (To identify response resources to meet the facility response plan requirements of this section, owners or operators shall follow Appendix E to this part or, where not appropriate, shall clearly demonstrate in the response plan why use of Appendix E of this part is not appropriate at the facility and make comparable arrangements for response resources);

(ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;

(iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal official and the persons providing response personnel and equipment can be ensured;

(iv) A description of information to pass to response personnel in the event of a reportable discharge;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;

(vii) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;

(viii) A diagram of evacuation routes; and

(ix) A description of the duties of the qualified individual identified in paragraph (h)(1) of this section, that include:

(A) Activate internal alarms and hazard communication systems to notify all facility personnel;

(B) Notify all response personnel, as needed;

(C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;

(D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;

(E) Assess the interaction of the discharged substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;

(F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect effects of the release (i.e., the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosion);

(G) Assess and implement prompt removal actions to contain and remove the substance released;

(H) Coordinate rescue and response actions as previously arranged with all response personnel;

(I) Use authority to immediately access company funding to initiate cleanup activities; and

(J) Direct cleanup activities until properly relieved of this responsibility.

(4) *Hazard evaluation.* The response plan shall discuss the facility's known or reasonably identifiable history of discharges reportable under 40 CFR part 110 for the entire life of the facility and shall identify areas within the facility where discharges could occur and what the potential effects of the discharges would be on the affected environment. To assess the range of areas potentially affected, owners or operators shall, where appropriate, consider the distance calculated in paragraph (f)(1)(ii) of this section to determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(5) *Response planning levels.* The response plan shall include discussion of specific planning scenarios for:

(i) A worst case discharge, as calculated using the appropriate worksheet in Appendix D to this part. In cases where the Regional Administrator determines that the worst case discharge volume calculated by the facility is not appropriate, the Regional Administrator may specify the worst case discharge amount to be used for response planning at the facility. For complexes, the worst case planning quantity shall be the larger of the amounts calculated for each component of the facility;

(ii) A discharge of 2,100 gallons or less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility; and

(iii) A discharge greater than 2,100 gallons and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.

(6) *Discharge detection systems.* The response plan shall describe the procedures and equipment used to detect discharges.

(7) *Plan implementation.* The response plan shall describe:

(i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;

(ii) A description of the equipment to be used for each scenario;

(iii) Plans to dispose of contaminated cleanup materials; and

(iv) Measures to provide adequate containment and drainage of discharged oil.

(8) *Self-inspection, drills/exercises, and response training.* The response plan shall include:

(i) A checklist and record of inspections for tanks, secondary containment, and response equipment;

(ii) A description of the drill/exercise program to be carried out under the response plan as described in §112.21;

(iii) A description of the training program to be carried out under the response plan as described in §112.21; and

(iv) Logs of discharge prevention meetings, training sessions, and drills/exercises. These logs may be maintained as an annex to the response plan.

(9) *Diagrams.* The response plan shall include site plan and drainage plan diagrams.

(10) *Security systems.* The response plan shall include a description of facility security systems.

(11) *Response plan cover sheet.* The response plan shall include a completed response plan cover sheet provided in Section 2.0 of Appendix F to this part.

(i)(1) In the event the owner or operator of a facility does not agree with the Regional Administrator's determination that the facility could, because of its location, reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, or that amendments to the facility response plan are necessary prior to approval, such as changes to the worst case discharge planning volume, the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The request and accompanying information must be submitted to the Regional Administrator within 60 days of receipt of notice of the Regional Administrator's original decision. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(2) In the event the owner or operator of a facility believes a change in the facility's classification status is warranted because of an unplanned event or change in the facility's characteristics (i.e., substantial harm or significant and substantial harm), the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(3) After a request for reconsideration under paragraph (i)(1) or (i)(2) of this section has been denied by the Regional Administrator, an owner or operator may appeal a determination made by the Regional Administrator. The appeal shall be made to the EPA Administrator and shall be made in writing within 60 days of receipt of the decision from the Regional Administrator that the request for reconsideration was denied. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It also may contain additional information from the owner or operator, or from any other person. The EPA Administrator may request additional information from the owner or operator, or from any other person. The EPA Administrator shall render a decision as rapidly as practicable and shall notify the owner or operator of the decision.

[59 FR 34098, July 1, 1994, as amended at 65 FR 40798, June 30, 2000; 66 FR 34560, June 29, 2001; 67 FR 47151, July 17, 2002]

§ 112.21 Facility response training and drills/exercises.

(a) The owner or operator of any facility required to prepare a facility response plan under §112.20 shall develop and implement a facility response training program and a drill/exercise program that satisfy the requirements of this section. The owner or operator shall describe the programs in the response plan as provided in §112.20(h)(8).

(b) The facility owner or operator shall develop a facility response training program to train those personnel involved in oil spill response activities. It is recommended that the training program be based on the USCG's Training Elements for Oil Spill Response, as applicable to facility operations. An alternative program can also be acceptable subject to approval by the Regional Administrator.

(1) The owner or operator shall be responsible for the proper instruction of facility personnel in the procedures to respond to discharges of oil and in applicable oil spill response laws, rules, and regulations.

(2) Training shall be functional in nature according to job tasks for both supervisory and non-supervisory operational personnel.

(3) Trainers shall develop specific lesson plans on subject areas relevant to facility personnel involved in oil spill response and cleanup.

(c) The facility owner or operator shall develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program (PREP) (see Appendix E to this part, section 13, for availability) will be deemed satisfactory for purposes of this section. An alternative program can also be acceptable subject to approval by the Regional Administrator.

[59 FR 34101, July 1, 1994, as amended at 65 FR 40798, June 30, 2000]

Appendix A to Part 112—Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency

section ii—definitions

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term:

(1) *Non-transportation-related onshore and offshore facilities* means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of

drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding inline or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) *Transportation-related onshore and offshore facilities* means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a non-transportation-related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

Appendix B to Part 112—Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency

Purpose

This Memorandum of Understanding (MOU) establishes the jurisdictional responsibilities for offshore facilities, including pipelines, pursuant to section 311 (j)(1)(c), (j)(5), and (j)(6)(A) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (Public Law 101–380). The Secretary of the Department of the Interior (DOI), Secretary of the Department of Transportation (DOT), and Administrator of the Environmental Protection Agency (EPA) agree to the division of responsibilities set forth below for spill prevention and control, response planning, and equipment inspection activities pursuant to those provisions.

Background

Executive Order (E.O.) 12777 (56 FR 54757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(j) of the CWA. Sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(11) defines the term “offshore facility” to include facilities of any kind located in, on, or under navigable waters of the United States. By using this definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

Responsibilities

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 as set forth below. For purposes of this MOU, the term “coast line” shall be defined as in the Submerged Lands Act (43 U.S.C. 1301(c)) to mean “the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.”

1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.

2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains jurisdiction for deepwater ports and their associated seaward pipelines, as delegated by E.O. 12777.

3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.

Effective Date

This MOU is effective on the date of the final execution by the indicated signatories.

Limitations

1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of the exceptions.

2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.

Modification and Termination

Any party to this agreement may propose modifications by submitting them in writing to the heads of the other agency/department. No modification may be adopted except with the consent of all parties. All parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of any party, representatives of all parties shall meet for the purpose of considering exceptions or modifications to this agreement. This MOU may be terminated only with the mutual consent of all parties.

Dated: November 8, 1993.

Bruce Babbitt,

Secretary of the Interior.

Dated: December 14, 1993.

Federico Peña,

Secretary of Transportation.

Dated: February 3, 1994.

Carol M. Browner,

Administrator, Environmental Protection Agency.

[59 FR 34102, July 1, 1994]

Appendix C to Part 112—Substantial Harm Criteria

1.0 Introduction

The flowchart provided in Attachment C–I to this appendix shows the decision tree with the criteria to identify whether a facility "could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines." In addition, the Regional Administrator has the discretion to identify facilities that must prepare and submit facility-specific response plans to EPA.

1.1 Definitions

1.1.1 *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

1.1.2 Higher Volume Port Areas include

(1) Boston, MA;

(2) New York, NY;

(3) Delaware Bay and River to Philadelphia, PA;

(4) St. Croix, VI;

(5) Pascagoula, MS;

(6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA;

(7) Louisiana Offshore Oil Port (LOOP), LA;

(8) Lake Charles, LA;

(9) Sabine-Neches River, TX;

(10) Galveston Bay and Houston Ship Channel, TX;

(11) Corpus Christi, TX;

(12) Los Angeles/Long Beach Harbor, CA;

(13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA;

(14) Straits of Juan de Fuca from Port Angeles, WA to and including Puget Sound, WA;

(15) Prince William Sound, AK; and

(16) Others as specified by the Regional Administrator for any EPA Region.

1.1.3 *Inland Area* means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines as defined in 33 CFR 80.740–80.850). The inland area does not include the Great Lakes.

1.1.4 *Rivers and Canals* means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigating that have project depths of 12 feet or less.

2.0 Description of Screening Criteria for the Substantial Harm Flowchart

A facility that has the potential to cause substantial harm to the environment in the event of a discharge must prepare and submit a facility-specific response plan to EPA in accordance with Appendix F to this part. A description of the screening criteria for the substantial harm flowchart is provided below:

2.1 *Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil.* A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. Daily oil transfer operations at these types of facilities occur between barges and vessels and onshore bulk storage tanks over open water. These facilities are located adjacent to navigable water.

2.2 *Lack of Adequate Secondary Containment at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* Any facility with a total oil storage capacity greater than or equal to 1 million gallons without secondary containment sufficiently large to contain the capacity of the largest aboveground oil storage tank within each area plus sufficient freeboard to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practice for the purposes of this part include berms, dikes, retaining walls, curbing, culverts, gutters, or other drainage systems.

2.3 *Proximity to Fish and Wildlife and Sensitive Environments at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury (as defined at 40 CFR 112.2) to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil discharge could cause injury to fish and wildlife and sensitive environments using the appropriate formula presented in Attachment C–III to this appendix or a comparable formula.

2.4 *Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater than or Equal to 1 Million Gallons* A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c). The distance at which an oil discharge from an SPCC-regulated facility would shut down a public drinking water intake shall be calculated using the appropriate formula presented in Attachment C–III to this appendix or a comparable formula.

2.5 *Facilities That Have Experienced Reportable Oil Discharges in an Amount Greater Than or Equal to 10,000 Gallons Within the Past 5 Years and That Have a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* A facility's oil spill history within the past 5 years shall be considered in the evaluation for substantial harm. Any facility with a total oil storage capacity greater than or equal to 1 million gallons that has experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the past 5 years must submit a response plan to EPA.

3.0 Certification for Facilities That Do Not Pose Substantial Harm

If the facility does not meet the substantial harm criteria listed in Attachment C–I to this appendix, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C–II to this appendix. In the event an alternative formula that is comparable to the one in this appendix is used to evaluate the substantial harm criteria, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.

4.0 References

Chow, V.T. 1959. Open Channel Hydraulics. McGraw Hill.

USCG IFR (58 FR 7353, February 5, 1993). This document is available through EPA's rulemaking docket as noted in Appendix E to this part, section 13.

WAC 173-303-340
Preparedness and prevention.

Facilities must be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, or surface or groundwater which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (1) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (1) of this section.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

WAC 173-303-350
Contingency plan and emergency procedures.

(1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of an emergency circumstance, including a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or groundwater by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency circumstances, and the plan must be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten human health and the environment. If the owner or operator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with Part 112 of Title 40 C.F.R. or Part 1510 of chapter V, or some other emergency or contingency plan, they need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360. The owner or operator may develop one contingency plan that meets all regulatory requirements. Ecology recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan") as found at www.nrt.org. When modifications are made to nondangerous waste (non-Hazardous Waste Management Act or nondangerous waste regulation) provisions in an integrated contingency plan, the changes do not trigger the need for a dangerous waste permit modification.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which will be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370 (6), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required in WAC 173-303-340(4);

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator must review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

WAC 173-303-355

Superfund Amendments and Reauthorization Act Title III coordination.

(1) Owners or operators must coordinate preparedness and prevention planning and contingency planning efforts, conducted under WAC 173-303-340 and 173-303-350, with local emergency planning committees established pursuant to Title III of the 1986 Superfund Amendments and Reauthorization Act.

(2) Appropriate and generally accepted computer models should be utilized to determine the impacts of a potential catastrophic air release due to fire, explosion, or other accidental releases of hazardous constituents. Evacuation plans prepared pursuant to WAC 173-303-350 (3)(d) must include those effected persons and areas identified through these modeling efforts.

WAC 173-303-360

Emergencies.

(1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location and properties of all wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures must be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator must assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must

monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable;

(vii) Estimated quantity and disposition of recovered material that resulted from the incident;

(viii) Cause of incident; and

(ix) Description of corrective action taken to prevent reoccurrence of the incident.

Appendix C
Notice to Tank Truck Drivers

NOTICE TO TANK TRUCK DRIVERS

Tank Truck Drivers

To prevent the release of substances hazardous to the environment, tank truck drivers entering this Facility are to comply with the following rules:

- Exercise caution when maneuvering to avoid damage to tanks or containment walls.
- Block truck wheels before starting to load/unload.
- Inspect tank, fitting, and liquid level indicator prior to filling. Note available capacity in tank prior to filling.
- Place drip pans under all pump hose fittings prior to loading/unloading.
- Remain with the vehicle while loading/unloading.
- Monitor tank liquid levels during loading/unloading to prevent overfilling.
- Drain loading/unloading line to storage tank.
- Verify that drain valves are closed before disconnecting loading/unloading lines.
- Inspect vehicle before departure to be sure loading/unloading lines have been disconnected and vent valves are closed.
- Immediately report leakage or spillage to the Facility Emergency and Spill Coordinator or other management personnel.

SPCC Coordinator
Rabanco Recycling & Waste Reduction Center

Appendix D
Emergency Personnel and Duties

Emergency Personnel and Duties

Responsibilities are assigned to individuals by name. Keep in mind, however, that responsibilities are designated primarily by position/title/descriptions. If individuals are not available due to vacations, trips, transfers, terminations, etc., the person filling the position automatically assumes responsibility. Also, keep in mind that this plan is flexible, and personnel must work together to minimize the effects of an emergency.

Management and supervisory persons must review this plan annually to ensure that they are familiar with it. There is no time to do so after the emergency occurs. Direct coordination between persons is encouraged to help eliminate problems.

Suggestions for improvement or modifications should be directed to the SPCC Coordinator for review and inclusion in the next revision. Managers and supervisors will assist the SPCC Coordinator in training his personnel as necessary, and training will be held at least annually.

Individuals are responsible for notifying the SPCC Coordinator of any changes in home or office telephone numbers and position so the call list can be updated regularly and accurately.

The SPCC Coordinator will direct and coordinate emergency plan activities, and will advise management and company officers as to the extent of the emergency and possible consequences. The SPCC Coordinator will be familiar with environmental control devices and hazard response firms/teams. This person also is responsible for coordination of first aid to injured persons and will probably be one of the first responders to the emergency. If the SPCC Coordinator is not based on site, the Assistant SPCC Coordinator shall be based on-site to serve as the first responder. The onsite SPCC Coordinator (or Assistant if the SPCC Coordinator is off-site) is responsible for training of onsite personnel. The SPCC Coordinator will be responsible for monthly site inspections of the overall site housekeeping. If these duties overlap with the Plan of Operation (Ops Plan), these inspections may be recorded in the Ops Plan documentation.

After the emergency is under control, this person will direct the salvage and restart operations and approve any information release to the news media as applicable. The SPCC Coordinator assures the establishment of liaison and communications as necessary with appropriate agencies, and allocates resources necessary to carry out the duties of this plan, etc. They also direct emergency maintenance, utility, and electrical work to prevent injury and minimize damage to property, product, and the environment. Maintenance personnel are responsible for the safe shutdown of the Facility.

PERSONNEL TRAINING RECORD
SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN
RABANCO RECYCLING & WASTE REDUCTION CENTER

Description of Training _____

Instructor _____ Date _____

EMPLOYEES' NAMES

Printed Name	**Signature**

Appendix E
Inspection Record and Incident Report Forms

Form 1: Visual Monitoring - Monthly Inspection Form

PAGE 1 of 2 **Date:**		**Completed by:**			
Weather Conditions		**Title**			
Area Inspected	**Inspection Procedure**			**Specify Required Maintenance**	**Date/Time Completed**
Outfall Location(s)	Visually monitor the quality of water discharging from each Outfall(s). Note the presence of - oily sheen ☐YES ☐NO - discolored water ☐YES ☐NO - odor ☐YES ☐NO - suspended solids (turbidity) ☐YES ☐NO - floating litter. ☐YES ☐NO				
Fuel and Maintenance Areas	Inspect all fueling tanks, valves, piping, and joints. Is there visible contamination? ☐YES ☐NO Is containment intact? ☐YES ☐NO Housekeeping performed properly? ☐YES ☐NO **FILL OUT Aboveground Storage Tank Monthly Inspection Record (Form 2) for all OIL/FUEL tanks or containers over 55 gallons.**				
Vehicles and Equipment (parking and storage)	Check for leaks of oil or fuel. Are leaks from parked vehicles and equipment visible? ☐YES ☐NO Does sweeping need to be performed? ☐YES ☐NO				
Container Storage	Inspect containers for leaks and/or damage. Are fluids stored in a way to prevent spills or contact with stormwater? ☐YES ☐NO Is secondary containment provided? ☐YES ☐NO Is there stormwater in the secondary containment? ☐YES ☐NO If yes, fill out **Form 3** prior to releasing stormwater. Are containers properly labeled? ☐YES ☐NO Is there visible contamination? ☐YES ☐NO Are solid waste/recycling containers emptied of any refuse? ☐YES ☐NO Are lids on covered containers closed? ☐YES ☐NO Is there evidence of tracking from container storage area? ☐YES ☐NO **FILL OUT Aboveground Storage Tank Monthly Inspection Record (Form 2) for all**				

	OIL/FUEL tanks or containers over 55 gallons.			
PAGE 2 of 2 **Date:**		**Completed by:**		
Weather Conditions		**Title**		
Erosion	Are there rills or erosion gullies at outfall locations or on slopes? ☐YES ☐NO			
Vehicle and Equipment Tracking	Are industrial materials (garbage or debris) being tracked off site? ☐YES ☐NO			
Litter and Garbage	Is litter or garbage in areas where stormwater flows? ☐YES ☐NO If yes, remove readily or divert stormwater.			
Stormwater System	Are pipes and culverts are free of sediment and debris? ☐YES ☐NO Are catch basins and inserts (if applicable) clean and operating properly? ☐YES ☐NO Are OWS or other separators operating properly? ☐YES ☐NO Is maintenance required for treatment systems (compost filter, pond, etc.)? ☐YES ☐NO			
Spill Kits	Check that spill kits are in their proper locations and completely stocked.			

Comments or Observations:

Form 2: Aboveground Storage Tank Monthly Inspection Record

This inspection record must be completed *each month* except the month in which an annual inspection is performed. Provide further description and comments, if necessary, on a separate sheet of paper and attach to this sheet. *Any item that receives "yes" as an answer must be described and addressed immediately.

	Y*	N	Description & Comments
Storage tanks			
Tank surfaces show signs of leakage			
Tanks are damaged, rusted or deteriorated			
Bolts, rivets, or seams are damaged			
Tank supports are deteriorated or buckled			
Tank foundations have eroded or settled			
Level gauges or alarms are inoperative			
Vents are obstructed			
Secondary containment is damaged or stained			
Water/product in interstice of double-walled tank			
Dike drainage valve is open or is not locked			
Piping			
Valve seals, gaskets, or other appurtenances are leaking			
Pipelines or supports are damaged or deteriorated			
Joints, valves and other appurtenances are leaking			
Buried piping is exposed			
Loading/unloading and transfer equipment			
Loading/unloading rack is damaged or deteriorated			
Connections are not capped or blank-flanged			
Secondary containment is damaged or stained			
Berm drainage valve is open or is not locked			
Oil/water separator			
Oil/water separator > 2 inches of accumulated oil			
Oil/water separator effluent has a sheen			
Security			
Fencing, gates, or lighting is non-functional			
Pumps and valves are locked if not in use			
Response Equipment			
Response equipment inventory is complete			

Date: _____ **Signature: _____**

Form 3: Stormwater Drainage Form
Secondary Containment Areas

Rabanco Recycling & Waste Reduction Center

Tank Number	Date	Approximate Volume of Water Removed	Was Oil Present in the Discharged Water?	How was Oil Removed before Discharge?	Where was the Water Discharged?

INCIDENT REPORT FORM

RABANCO RECYCLING & WASTE REDUCTION CENTER

1. TIME PROBLEM DISCOVERED: _____ DATE: _____

2. TIME PROBLEM STOPPED: _____ DATE: _____

3. APPROXIMATE LOCATION AND TYPE OF ACCIDENT (E.G., FIRE, EXPLOSION, SPILL):

_____

_____

4. MATERIAL SPILLED: _____

5. APPROXIMATE AMOUNT: _____

6. SOURCE OF THE DISCHARGE: _____

7. AFFECTED MEDIA: _____

8. CAUSE OF THE DISCHARGE: _____

9. EXTENT OF INJURIES (IF ANY): _____

_____

10. WHAT ARE POSSIBLE HAZARDS TO HUMAN HEALTH AND THE ENVIRONMENT?

_____

11. ESTIMATED AMOUNT OF MATERIAL RECOVERED: _____

12. WHAT WAS DONE WITH RECOVERED MATERIAL? _____

_____

13. ACTIONS TAKEN TO STOP, REMOVE, AND MITIGATE THE EFFECTS OF THE DISCHARGE:

_____

_____

_____

14. WAS EVACUATION OF THE SITE NECESSARY? _____

15. NAME, ORGANIZATION, DATE, AND TIME CONTACTED CONCERNING THE INCIDENT:

_____

INCIDENT REPORT FORM (CONTINUED)
RABANCO RECYCLING & WASTE REDUCTION CENTER

16. ACTIONS TAKEN TO CORRECT THE CAUSE AND PREVENT FURTHER PROBLEMS:

_____

_____

_____

_____

_____

17. UNUSUAL EVENTS AND AGENCY INSPECTIONS RELATING TO THIS EVENT:

_____

_____

18. NAME OF INCIDENT REPORTER: _____

TITLE: _____

TELEPHONE NUMBER: (____) _____

FACILITY NAME AND ADDRESS OF INCIDENT REPORTER: _____

_____

19. NAME OF FACILITY WHERE SPILL OCCURRED: _____

FACILITY TELEPHONE NUMBER: _____

ADDRESS OF FACILITY: _____

_____

SIGNATURE (MANAGER) _____

DATE _____

Appendix F
Spill, Fire, and Safety Equipment

Spill, FIRE, and Safety Equipment

The following safety equipment is available in order to protect employees and provide containment of contaminants in the event of a spill. See Figure 2 for the location of all spill kits.

- Spill control/containment materials:
  - Spill control instructions
  - Four pairs of nitrile gloves
  - Two pairs of safety goggles
  - Two 22-pound absorbent sponge dry
  - 3B bonding putty repair kit
  - Two 3 x 48 G1lygone™ socks/snakes
  - Six drum liners (24 x 36 mil)
  - Four Tyvek™ suits
  - Caution tape
  - Brooms
  - Shovels

- Fire extinguishers
  - ABC universal fire extinguishers are located throughout Facility buildings.
  - All trucks and heavy equipment are equipped with fire extinguishers or built in fire suppression systems.

Appendix G
Substantial Harm Criteria

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name: **Rabanco Recycling & Waste Reduction Center**
Facility Address: **2733 Third Avenue South, Seattle, WA**

1. Does the Facility transfer oil over water to or from vessels and does the Facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes ___ No _X_

2. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and does the Facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes ___ No _X_

3. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and is the Facility located at a distance such that a discharge from the Facility could cause injury to fish and wildlife and sensitive environments?

Yes ___ No _X_

4. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and is the Facility located at a distance such that a discharge from the Facility would shut down a public drinking water intake?

Yes ___ No _X_

5. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and has the Facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes ___ No _X_

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature _____

Name (please type or print) _____

Title _____

Date _____